



**Legal migration for work and training:
Mobility options to Europe for those not in
need of protection
Italy case study**

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Acronyms

DMPP	Document of Migration Policy Planning
DPCM	Decree of the President of the Council of Ministries
ILO	International Labour Organisation
INAIL	National Institute for Insurance against Labour Injuries
INPS	National Social Security Institute
IOM	International Organisation for Migration
ISTAT	National Statistics Institute
MD	Ministerial Decree
MENTOR	Mediterranean Network for Training Orientation to Regular Migration
MoU	Memorandum of Understanding
NGOs	Non-governmental organisations
SMEs	Small and medium enterprises
TCNs	Third-country nationals

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Introduction

Countries of emigration until the mid-1970s, today Italy represents one of the largest countries of immigration in Europe. Roughly 1% of the resident population at the beginning of the 1990s, foreign residents represented 8.5% of the resident population in Italy by the end of 2017. This rapid and high growth throughout the 1990s and 2000s has been largely driven by labour migration inflows. Accordingly, until the mid-2000s around two thirds of residence permits were issued to third-country nationals for working purposes. In 2007, 150,098 permits were issued for working purposes (57% of total permits), followed by permits for family reunification (32%) and, at great distance, by permits for education (4%) and international/humanitarian protection purposes (3%).

However, the lack of an effective legal framework until the late 1990s and the contradictions in the current selection and admission system have created the conditions for irregular migration to Italy, which has been largely favoured by the structural features of the Italian labour market and familialistic welfare state (Caponio and Graziano 2011; Pugliese 2011). As it will be detailed in the following sections, the inadequacy of the selection and admission system in responding to the labour market needs on the one hand, and the relevance of irregular employment particularly in those sectors in high demand of foreign workforce on the other hand, largely explain why, since its very beginning, the Italian labour migration framework has been characterised by a gap between official goals and actual results, whose contradictions and inefficiencies still persist today.

Nevertheless, the 2007 economic crisis and the increasing arrivals in 2011 after the Arab Spring drastically reduced the salience of the labour migration issue in the country, in both numerical and political terms. In a context characterised by a significant contraction of low-skilled labour demand, the exponential increase in the presence of asylum seekers and high unemployment rates among foreign workers have been key factors behind governments' decisions to severely reduce new entry quotas for working purposes. In 2007, more than 50% of new residence permits had been issued for working reasons, while in 2017 these represented only 4.6% of new permits issued.

Consequently, and also, a discussion of a reform of this policy domain in a consistent and pragmatic way has been lacking. On the contrary, over the last few years, debates and policy measures have been almost exclusively focused on the management of the so-called "refugee crisis" and the first reception of asylum seekers and refugees, due to the first line involvement of the country in the demanding management of increasing mixed inflows to Europe.

This report aims at presenting and critically assessing Italy's migration policies for work and training purposes in the last two decades. Particular attention will be paid to the management and implementation of the quota system, as it constitutes the main legal entry channel to Italy for work purposes. Other policy instruments related to labour migration (e.g. entry channels for professional training; agreements for labour migration and migration control) will be also discussed. As it will emerge throughout the report, Italy's labour migration policies have proven to be ineffective in addressing the complementary goals of satisfying labour market needs while contrasting irregular inflows. The inadequacy

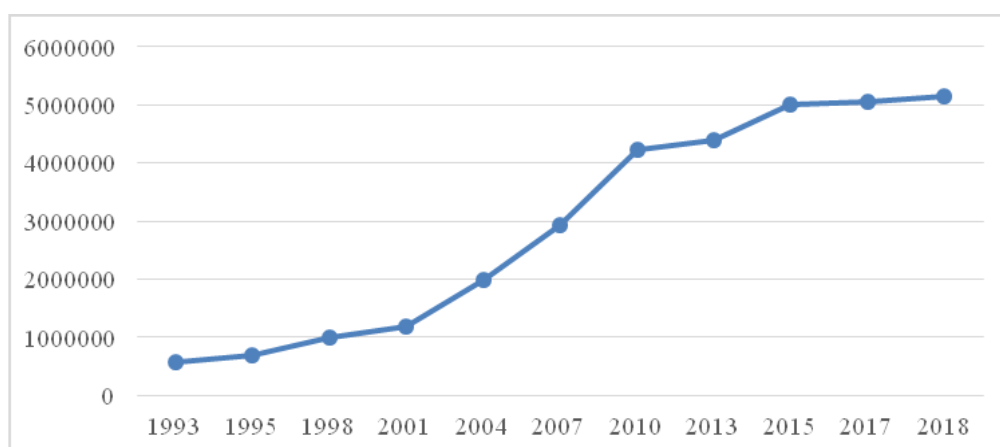
of the quota system, in terms of inaccurate determination of labour market demand, lack of an effective matching infrastructure and cumbersome administrative procedure, has greatly contributed to the persistence of irregular migration and employment in the country. On the contrary, arrangements aimed at promoting migration for education and training purposes have been scarcely put in practice. Some promising policy experimentations have occurred at the local or regional levels, but without attaining a systemic and systematic dimension.

Data has been collected through extensive desk research (legislative documents, policy reports, pilot programmes, reports of civil society organisations) and semi-structured interviews with key high-level officials at the national level, representatives of trade unions and international organisations, policy experts and scholars in the field of migration for work and training purposes. Prior to authorisation, interviews were audio-taped and verbatim transcribed.

1. Migration patterns in Italy. An overview

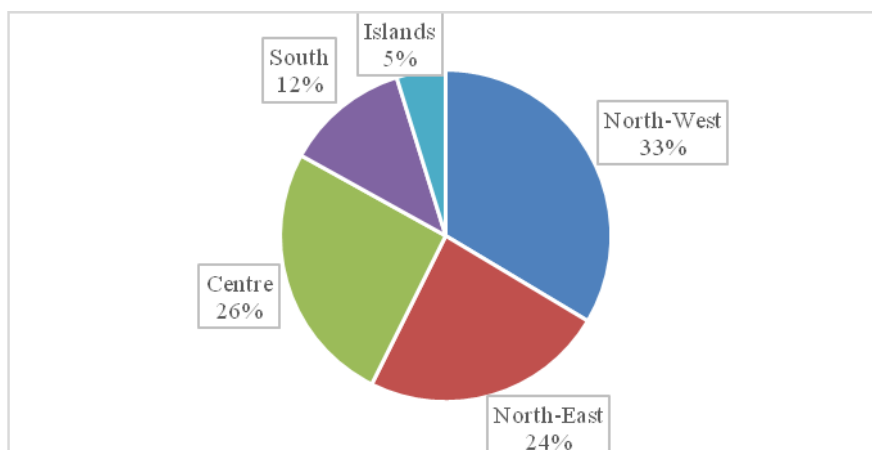
After almost a century of emigration to continental Europe and America, migration inflows to Italy have been growing since the late 1970s, gradually turning the country into one of the largest destinations for labour migration in Europe (Einaudi 2007).¹ Although Italy's migration balance turned positive in the late 1970s, it was not until the 1990s that migrant stocks became significant, then spectacularly increased during the 2000s and stabilised in the last years. Foreign residents amounted to less than 600,000 people in 1993, representing roughly 1% of the total population, while at the beginning of 2018 there were 5,144,440 foreign residents in Italy, accounting for 8.5% of the total population (Figure 1). However, the presence of foreign residents largely varies across the country, with more than half of the foreign population residing in Northern Italy (Figure 2). In particular, in 2018 Lombardy represented the main region of destination of foreign residents (22.4% of all foreign residents), followed by Lazio (13.2%) and Emilia-Romagna (10.4%).

Figure 1. Stock of foreign residents in Italy – absolute values – 1993-2018



¹ Where not stated otherwise, data have been extracted from ISTAT database. <http://dati.istat.it/> (last access: November 21, 2018). ISTAT (*Istituto Nazionale di Statistica*) is the Italian National Statistics Institute, which produces official statistics in the country, including decennial censuses (about population and households; agriculture, industry and service sectors, and others) and periodical surveys on several topics. Among them, several statistics are collected about migration flows and stocks, the foreign population and its main features, and the presence of foreign workers in the labour market.

Figure 2. Distribution of the foreign population in Italy by macro-areas – 2018



Among them, Romanians constituted the most relevant foreign nationality in the country (23.2% of total foreign residents in 2017), followed at great distance by Albanians (8.9%), Moroccans (8.3%), Chinese people (5.6%) and Ukrainians (4.6%), as Table 1 shows. For what concerns gender, a slight prevalence of female population can be highlighted (52.4% of the total foreign residents), although differences exist among national groups, also reflecting gendered ethnic concentrations in the labour market. Female immigrants significantly prevail among Eastern Europeans (both EU-nationals, such as Romanians, and third-country nationals, such as Ukrainians and Moldovans) and some non-European nationalities (Philippines and Peruvians), while male immigrants are prevalent among Bangladeshis and some North African nationalities, such as Moroccans and Egyptians.

Table 1. Top-10 foreign resident nationalities in Italy – absolute values and % on foreign population – 2017

		Male	Female	Total	% on foreign population
1	Romania	497,577	670,975	1,168,552	23,15
2	Albania	229,870	218,537	448,407	8,88
3	Morocco	225,278	195,373	420,651	8,33
4	China	142,227	139,745	281,972	5,59
5	Ukraine	50,726	183,628	234,354	4,64
6	Philippines	71,888	94,571	166,459	3,30
7	India	89,778	61,652	151,430	3,00
8	Moldova	45,512	90,149	135,661	2,69
9	Bangladesh	88,263	34,165	122,428	2,43
10	Egypt	76,754	36,011	112,765	2,23

Early migratory systems in Italy were intertwined with the country's colonial relations with the Horn of Africa (Caponio and Graziano 2011). Since the early 1960s, families of Italian colonial officials, along with their domestic personnel, came back from there after the end of World War II. Similarly, Cape Verdean and Philippine women arrived in Italy following Italian Catholic missions that promoted their employment as domestic workers. At the end of the 1960s, other migration flows took place from Tunisia to Sicily after the implementation of the Tunisian nationalisation policies of the 1960s, after which many Italian entrepreneurs settled in Southern Italian regions and promoted the seasonal (and irregular) employment of migrants in fishing and agricultural sectors. Finally, since the mid-1970s, the manufacturing and the construction sectors increasingly attracted foreign workers coming from Northern Africa (and particularly Egypt) and Turkey (Einaudi 2007). Therefore, since their very beginning, immigration flows to Italy were based on low-skilled employment opportunities, which especially attracted non-qualified foreigners (Fullin and Reyneri 2011).

The shift of Italy from an emigration to an immigration country was the result of both international and domestic dynamics (Colombo and Sciortino 2004a). On the one hand, the closure of Western European markets to further labour migration after the 1973 oil crisis stopped mass emigration from the country, while significant numbers of immigrants increasingly looked at Southern Europe as an alternative option for settlement, including Italy, also thanks to its geographical position at the core of the Mediterranean (King and DeBono 2013).

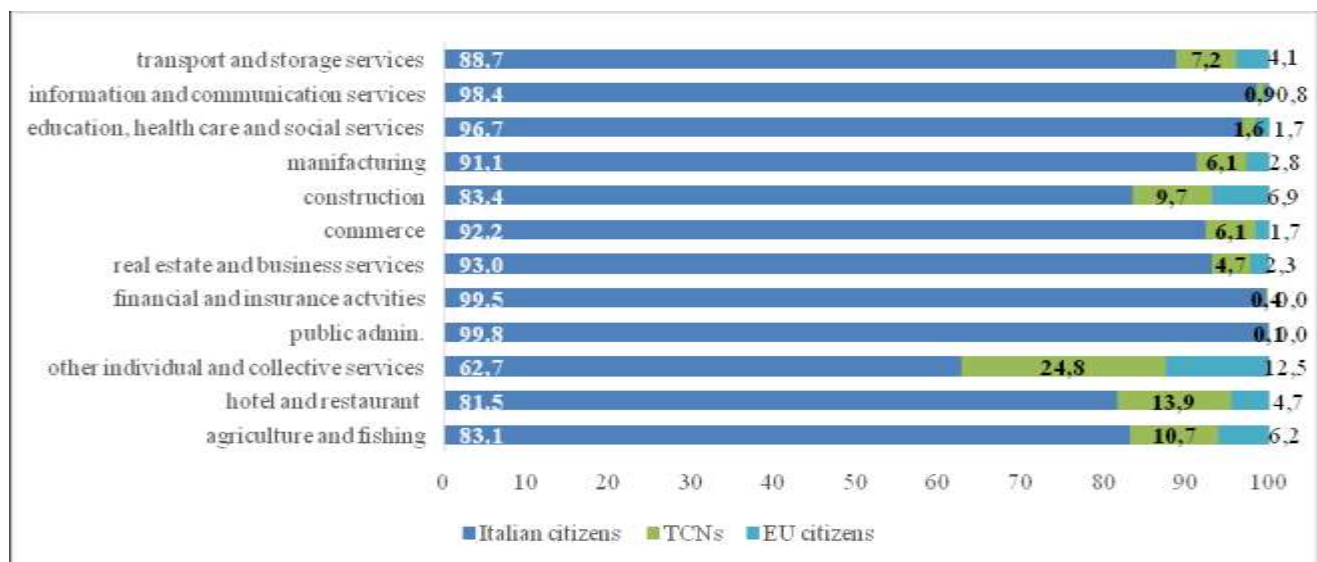
On the other hand, two pull factors – of economic and demographic nature – were key in driving the rapid and substantial growth of foreign immigration to Italy. The highly segmented structure of the Italian labour market and the country's economic development – highly based on tertiary activities and seasonal productive fields – required a flexible, low-skilled labour force to be employed in low-paid and demanding jobs. Nevertheless, declining birth rates and increasing education levels among native workers created a need for a migrant “reserve army” (Sassen 1991) to fill the holes in low-skilled, low-wage and informal occupations, creating the basis for a strong and persisting migrant workers' occupational segregation and opening the backdoor to irregular entry and employment (Fullin and Reyneri 2011). According to recent estimates, in Italy the average share of the shadow economy in the total economy ranged from 22.43 to 27.31 over the period 1991 to 2015 (Medina and Schneider 2018). In terms of economic sectors primarily involved in the shadow economy, in 2015 these included agriculture (incidence of shadow economy on total Value Added by sector equal to 15.5%), construction (23.1%), trade and restaurants (24.6%), and services to individuals and households (33.1%) (ISTAT 2017). Simultaneously, the acute ageing of the Italian population and the (slow) entry of women into the labour market – in a country structured around a conservative-corporatist and familialist welfare state – opened an additional occupational niche (Waldinger 1994) for (female) migrant workers in the informal although intensive domestic and care sector.

The structural features of the Italian labour market and welfare state, together with inefficient labour migration policy planning in addressing demand for foreign workforce (see Chapter 3), have contributed to increase irregular stocks and flows in the country

(Triandafyllidou and Ambrosini. 2011), in response to which governments have periodically adopted large-scale regularisations (Colombo and Sciortino 2004b).

Moreover, they have contributed to the persistence of immigrant segregation in Italy's segmented employment structure. As Figure 3 shows, foreign workers are persistently confined in low-skilled and low-wage occupational sectors, namely agriculture, hotels and restaurants, construction, low-tech manufacturing, domestic and care services. Moreover, they are disproportionately more concentrated at the bottom of the wage distribution pyramid - independently from their age, gender and education - and do not have an adequate occupation for their educational level in comparison with natives (Frattini and Vigezzi 2018).

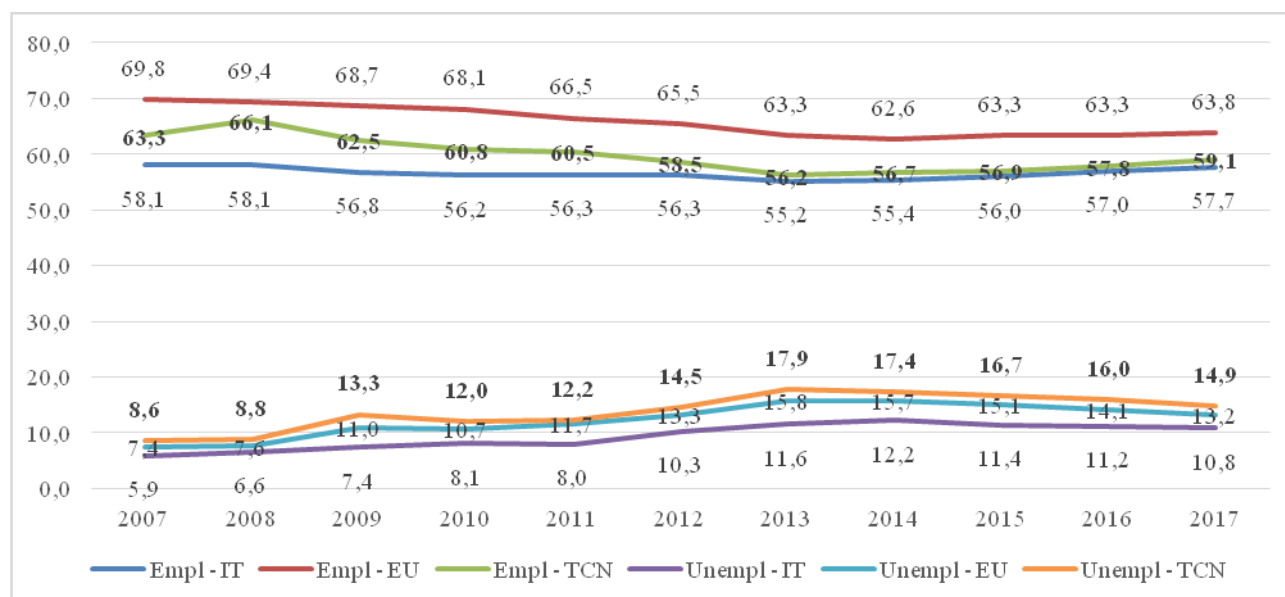
Figure 3. Employees by citizenship and economic sectors – percentage value – 2017



(Source: elaboration on Ministry of Labour and Social Policies 2017)

These patterns changed for the worse since outburst of the financial and economic crisis in 2008, which hit in a particularly hard way cyclical sensitive sectors such as construction, wholesale, services and certain branches of manufacturing. In a context characterised by a significant contraction of low-skilled labour demand, migrants – and particularly EU citizens - have disproportionally suffered from unemployment in comparison with Italian citizens (Figure 4). Although unemployment rates have been consistently higher for TCNs during the years of the crisis, the increase in unemployment rates has been stronger for EU citizens in comparison with Italian and non-EU citizens.

Figure 4. Employment and unemployment rates by main areas of origin – 2007-2017



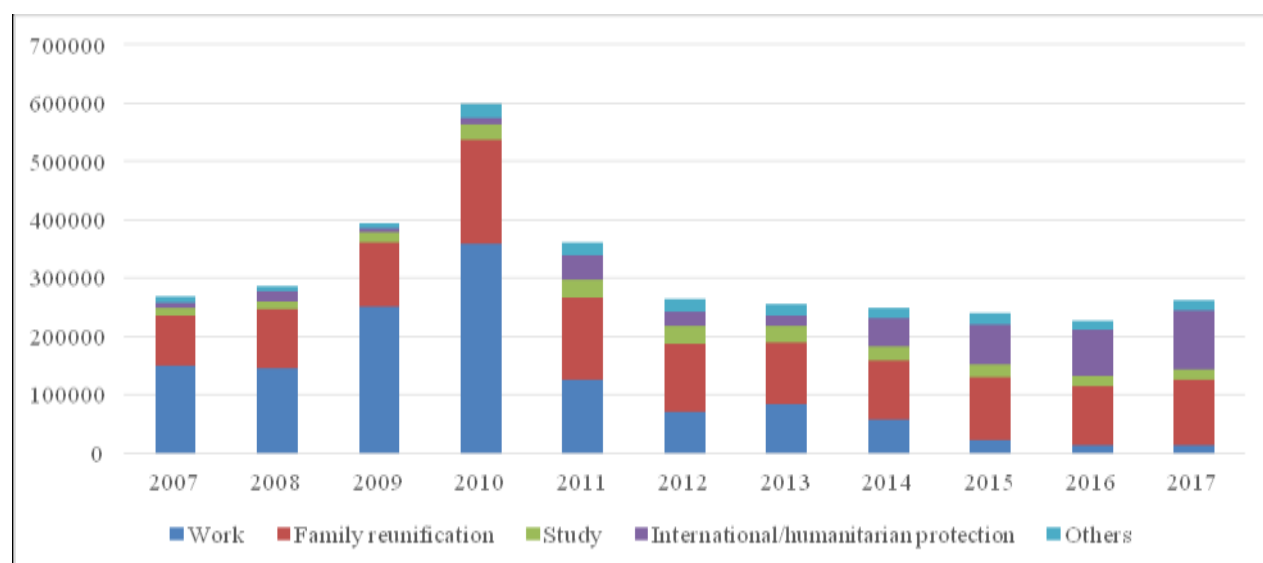
(Employment and unemployment rates for TCNs in bold. Sources: Ministry of Labour and Social Policies, 2017; 2018)

Also as a consequence of worsening employment opportunities, the gap between inflows and outflows has progressively decreased. Overall, in the period between 2007 and 2017, annual migration inflows went from more than 500,000 units to nearly 337,000, with a decrease of more than 30%. During the same time span, outflows of all nationalities (including Italians) tripled, increasing from 51,000 to 153,000 units (ISTAT 2018).

Differently from the majority of EU and OECD countries, where international migration inflows have recently reduced after a period of increase boosted by economic recovery and the refugee crisis, permanent international migration flows to Italy have steadily decreased during the last ten years (OECD 2018: 22). This Italian specificity is even more evident when it comes to temporary labour migration: against a significant increase in seasonal labour migration in the average of OCSE countries, seasonal inflows to Italy reduced (OECD 2018: 27). As it will be discussed in Section 3.3, the amount of annual entry quotas for seasonal employment of TCNs has been consistently curtailed over time, also because of the increasing presence of EU workers (largely Romanians) and protection seekers and beneficiaries in seasonal occupational sectors, such as agriculture (Devole 2017).

More generally, family reunification and humanitarian/asylum protection have increasingly constituted the most important motivations of international migration inflows to Italy in the last decade. As Figure 5 shows, in 2007 more than 50% of new residence permits had been issued for working reasons, against 32.3% for family reunification and 4.3% for humanitarian/asylum protection. By 2017, however, this trend was almost reversed: residence permits for working reasons only represented 4.6% of new residence permits issued, against an increase in permits for family reunification (43.2%) and – to an even larger extent – for humanitarian/asylum protection (38.4%).

Figure 5. New residence permits issued to TCNs by motivation - absolute values - 2007-2017



This changing dynamic has shaped the composition of migration inflows (Table 2). In the period 2007-2017, migration inflows have been characterised by an exponential increase in the presence of TCNs originating from Sub-Saharan countries (Nigeria: +1,045%; Senegal: +340%; Ghana: +107%), largely driven by residence permits issued for humanitarian purposes, and a simultaneous decrease in Eastern Europeans and South Americans (Moldova: -89%; Ukraine: -68%; Peru: -51%), due to restrictions in residence permits issued for work and Italy's low attractiveness for foreign workers.

Table 2. Residence permits issued to TCNs by motivation and main countries of origin - years 2007 and 2017

Purpose of residence permit	2007 (a.v.)					2017 (a.v.)					Var. 2007-2017 (%)				
	work	family reunif.	study	intern./humanit. protection	others	work	family reunif.	study	intern./humanit. protection	others	work	family reunif.	study	intern./humanit. protection	others
Main countries of origin															
All	150098	86468	11523	9971	9540	12200	113549	18323	101065	17633	-91,87	31,32	59,01	913,59	84,83
Albania	14535	14570	685	46	1480	1269	13965	343	340	4096	-91,27	-4,15	-49,93	639,13	176,76
Moldova	18885	3629	99	19	301	193	2013	15	28	239	-98,98	-44,53	-84,85	47,37	-20,60
Russia	1704	1598	251	24	106	235	1734	689	75	298	-86,21	8,51	174,50	212,50	181,13
Serbia/Kosovo/Montenegro	3068	2347	302	344	313	324	2684	231	508	580	-89,44	14,36	-23,51	47,67	85,30
Ukraine	19189	4290	111	10	363	350	4242	210	2104	821	-98,18	-1,12	89,19	20940,00	126,17
Egypt	1962	2221	143	11	487	386	5801	250	471	879	-80,33	161,19	74,83	4181,82	80,49
Ghana	1865	945	28	114	68	29	1570	156	4338	150	-98,45	66,14	457,14	3705,26	120,59
Morocco	18883	12571	178	21	563	741	16127	161	984	596	-96,08	28,29	-9,55	4585,71	5,86
Nigeria	811	652	77	649	156	55	2874	123	22966	825	-93,22	340,80	59,74	3438,67	428,85
Senegal	1261	1075	16	34	166	146	3022	25	7599	447	-88,42	181,12	56,25	22250,00	169,28
Tunisia	3443	2435	349	10	50	157	3175	110	164	137	-95,44	30,39	-68,48	1540,00	174,00
Bangladesh	7829	2178	41	198	43	128	4241	36	9245	585	-98,37	94,72	-12,20	4569,19	1260,47
China	12553	3122	1753	17	231	518	6407	4300	441	364	-95,87	105,22	145,29	2494,12	57,58
Philippines	5726	1645	51	0	224	175	3527	55	62	209	-96,94	114,41	7,84	-	-6,70
India	6790	3979	446	38	445	1617	4852	1311	354	524	-76,19	21,94	193,95	831,58	17,75
Pakistan	2408	1439	77	250	51	211	5079	251	9267	274	-91,24	252,95	225,97	3606,80	437,25
Sri Lanka	4963	1836	14	133	48	144	3662	46	217	62	-97,10	99,46	228,57	63,16	29,17
Brasil	1167	4063	430	27	1257	198	2831	706	64	710	-83,03	-30,32	64,19	137,04	-43,52
Perù	4303	1872	97	6	164	107	2614	77	94	271	-97,51	39,64	-20,62	1466,67	65,24
USA	1648	1226	888	0	532	2802	3093	1795	3	541	70,02	152,28	102,14	-	1,69
Other countries	17105	18775	5487	8020	2492	2415	20036	7433	41741	5025	-85,88	6,72	35,47	420,46	101,65

2. Mapping: legal, policy and programmatic framework

2.1 Drivers of policy change and developments

Immigration in Italy has often been interpreted as a phenomenon that the country has to cope with, which can only partially be steered and managed (Salis 2012). Policies have often been driven by the need to face 'emergency situations' (Zincone 2011), while the increasing politicisation of the migration issue has implied rather ideological debates and a lack of pragmatic and evidence-based discussions on the actual country's needs of labour migration and on the policies that could better manage it.

Although an emerging debate over labour migration appeared at the end of the 1970s - promoted by economists analysing the increasing presence of foreign workers in the labour market and civil society organisations calling for a regulatory framework on migrants' rights - the first attempts to regulate labour migration and migrants' employment in Italy date back to the late 1980s (Law 943/1986 and, to a lesser extent, Law 39/1990, which focused on asylum issues). Adopted at a time in which Italy still was (or at least perceived itself) as a country of emigration, Law 943/1986 was essentially inspired by the need to protect the national labour force and to control irregular immigration. For what concerns workers' rights, the 1986 Law strictly focused on rights related to employment and unemployment, and the recognition of equal rights between foreign and Italian workers, in compliance with the 1975 ILO Convention, essentially aimed at protecting Italian emigrants abroad (Caponio and Graziano 2011). In terms of inflows' planning, the 1986 Law gave priority to employment of Italian and EU workers, while the hiring of TCNs was made less attractive by making contributory costs 0.5% higher than for Italian and EU workers (Caponio and Zincone 2011). However, inflows were usually set at a very low threshold (around 20,000 people per year including family reunification), and the higher costs and the complexity of the procedures employers had to face in order to hire non EU workers discouraged regular hiring of TCNs (Zincone 2011).

At the beginning of the 1990s, however, the immigration issue exploded in the Italian political debate and public opinion (Bonifazi and Cerbara 1999). The steady growth of inflows turned immigration into a central concern of Italian public opinion, in particular after the first sizeable landings of Albanians and the outbreak of civil wars in the Western Balkans. The growth in inflows contributed to split the political arena into pro- and anti-immigration factions whose alternation in governments has represented a key driver of migration policy change.

Next to these domestic drivers, at the beginning of the 1990s, EU pressures had been central in triggering the definition of the 1998 Act. The incoming entry into force of the Schengen Treaty and of the Dublin Convention in 1997 made effective border management and the reform of the national migration framework a key and necessary step for the country in order to be considered a reliable member by other EU Member States (Paoli 2018).

It was in response to these endogenous and exogenous pressures that the Consolidated Act No. 286/1998 was adopted by a Centre-Left coalition, guided by Romano Prodi. The

1998 Act, which explicitly recognised immigration as a structural feature of the Italian economy and society, comprehensively addressed three main domains:

- i. the management of new inflows for working purposes, through the planning of annual quotas in relation to the estimated needs of the domestic labour market and the integration capacity of local territories;
- ii. the struggle against irregular migration, to be pursued through the enforcement of internal controls, including the establishment of detention centres, a stronger enforcement of expulsion decisions against undocumented migrants and of sanctions against illegal employers, and external border controls, including the fight against trafficking and strengthening cooperation with sending countries;
- iii. the enhancement of migrants' integration and the definition of migrants' civil and social rights, to be guaranteed on the basis of the principle of equality of treatment with Italian citizens.

For what concerns labour migration, a central role was given to international cooperation with sending countries, balancing admission and readmission mechanisms by assigning preferential entry quotas for nationals of those countries that signed bilateral agreements for controlling irregular migration to Italy (see Sections 2.2 and 2.4). The system of quotas, already introduced by Law 39/1990, was reinforced and refined, becoming the key tool for the management of foreign workers' admission in the country. Moreover, a 'sponsor' mechanism for job-search entry was introduced to address existing labour supply-demand matching problems (the so-called *Ingresso per Sponsor*). Through this mechanism, NGOs, regional and local administrations or even private citizens could act as sponsors for foreign workers willing to migrate to Italy for working purposes, by guaranteeing coverage of migrants' daily expenses and providing for the repatriation costs if necessary.²

Already at the turn of the millennium, however, this national framework underwent significant - although not structural - reforms, adopted by centre-right coalitions led by Silvio Berlusconi and including the Northern League, which emerged as the main 'political entrepreneur' of anti-immigration sentiments in the country (Massetti 2015). Sustained by high media coverage of criminality problems affecting cities with a high presence of immigrants and of increasing irregular arrivals to Southern Italy, the new centre-right majority framed the public debate on migration in terms of crime and security (Caponio 2012), thereby consolidating a legalitarian and identitarian approach to the issue (Zincone 2009). Accordingly, Law 189/2002 (also known as Bossi-Fini Law, after the names of its proponents) and Law 94/2009 (often known as 'Security package', which focused more on

² Ex-Article 23 of the Consolidated Act introduced the possibility for Italian citizens or foreign residents, as well as Regions, local authorities, employers' associations, trade unions and NGOs/voluntary associations that have worked on immigration issues for at least three years, to act as guarantor of the entry of no more than two third-country nationals looking for a job in Italy (to be nominally identified). According to the law, the guarantor had to prove her/his ability to provide for migrants' housing, daily expenses, health care coverage and repatriation costs, if necessary. After verification of these requirements, authorisation of entry to TCNs for job-search purposes was granted within the amount of the annual entry quotas. Once admitted in Italy, the concerned TCN had to apply for a stay permit for job-search, valid for one year, provided that she/he registered as job-seeker in the lists of local Public Employment Services ("*permesso di soggiorno per l'inserimento nel mercato del lavoro*", Article 36 of the Decree of the President of the Republic 394/1999). Upon finding employment, the migrant worker could convert the stay permit into that for working purposes. However, if she/he did not find employment during the one-year length of the stay permit for job-search, she/he had to return to the origin country.

the fight against irregular migration) strengthened the focus on irregular inflows, while made the possibilities of legal entry and conditions for long-term stay of immigrants in Italy more limited and precarious (Triandafyllidou and Ambrosini 2011).

For what specifically concerns labour migration, the 2002 Law strengthened the link between admission and a specific employment opportunity. First of all, the sponsor mechanism was abolished, making it impossible for a prospective migrant worker to legally enter Italy for job-search.³ Secondly, migrant workers' legal stay has been strictly linked to the duration of the job contract, emphasised by the new term 'stay contract' (*contratto di soggiorno*).⁴ In addition, the possibility for unemployed migrants of staying in the country while looking for a new job was reduced to six months (instead of the previous one year period provided for by the 1998 Act).⁵ Moreover, the maximum duration of stay permits for working purposes has been drastically reduced (one year for fixed-term jobs, two years for open-ended contracts, instead of previous two years for all types of dependent jobs provided for by the 1998 Act), and they can be renewed only for the same duration of the first release (instead of the previous possibility to renew them for a double duration, up to four years). On the contrary, the 2002 Law introduced a new preferential channel for admission for the descendants of Italian emigrants within the third degree of kinship (great-grandparents). Finally, special quotas were introduced for those professions that supposedly met specific needs of the Italian labour market: domestic and care workers on the one hand, and high-skilled migrants on the other (in this case, the actual labour demand was and is, in fact, much more controversial, due to the limited demand for high-skilled employees – whether natives or foreigners - in Italy's labour market [Fellini and Fullin 2018] (for a discussion on the mechanism of quota determination and its pitfalls, see Section 3.1).

As Salis points out (2012), the reformed framework strengthened and made the Italian functionalist vision of immigration explicit: immigrants are welcomed in Italy to the extent and as long as they are useful for the national economy (as admission is only granted upon availability of and for the length of a job contract, while job-search entry is not possible anymore) and do not compete with Italian workers (assessed through labour market tests), while they must leave the country once become unnecessary for the Italian economy (linking, although not rigidly, the duration of stay permits with the duration of job contracts).

³ No assessments have ever been carried out on the functioning of the sponsor mechanism, also because of its very short duration. However, as one of our interviewees affirmed, all quotas reserved for job-search by the 2000 Flows Decree (15,000 entry slots) were requested within one day, pointing out the potential efficacy of the mechanism in matching labour demand and supply, largely due to the nominal hiring by guarantors of prospective migrant workers (PREMIN). Therefore, the decision to abrogate was based on purely ideological reasons. On 2007, a law proposal of the then centre-left Il Prodi government aimed at reintroducing the sponsor mechanism (known as the Amato-Ferrero Bill). However, the government had not a sufficient majority in the Senate, and the bill was never approved.

⁴ The stay contract has been introduced by Law 189/2002, which states the duty for employers and migrant employees to sign a 'stay contract' that commits the employer to provide for the migrant worker's housing and repatriation costs. A stay permit for working purposes cannot be released in the absence of such document.

⁵ Law 92/2012 re-extended the permit of stay for unemployed migrants looking for a job from six months to one year.

Since the mid-2000s, while the actual volumes of legal admissions for working purposes were gradually reduced after the outbreak of the economic crisis (see Table 4 in Section 3.3), the legislative framework on labour migration has not undergone significant changes. Most of the few actual legislative changes resulted from the harmonisation of the Italian framework with the Common European Asylum System and the transposition of the EU legal migration acquis (Colucci 2018). In most cases, EU Directives have been properly transposed and overall adequately implemented by Italy without raising particular challenges or concerns, as the majority of EU provisions were already provided for in the Italian legislation. For instance, Legislative Decree 203/2016 implementing the Seasonal Workers Directive (Directive 2014/36/EU) extended the duration of multi-annual residence permits for seasonal workers from two to five years and made easier the conversion of permits from seasonal to non-seasonal employment (after three months of regular employment, instead of the previous provision, which allowed conversion only to those migrants who worked in seasonal employment during the year before the application).⁶

Therefore, in spite of changes in governing coalitions, only punctual adjustments rather than structural legislative interventions have been adopted in the last decade, resulting in an inadequate and ineffective labour migration governance (Pastore 2016). This particular policy domain has undergone a dramatic de-prioritisation and no serious discussion about reform has been carried out, neither in the political arena nor by media, academic scholars or civil society organisations (for one of the few exceptions: Neodemos 2014). On the contrary, debates and policy measures have exclusively focused on the management of the so-called ‘refugee crisis’, the first reception of asylum seekers and refugees, and the externalisation of border controls.

2.2 Access to labour market for third-country nationals

Italy’s selection and admission model

The Italian selection and admission system for the most time was a typical demand-driven model. Within given annual quotas set by the government, third-country nationals can be admitted upon a specific request by a resident employer. According to the 1998 Act and its amendments, a resident employer willing to hire a foreign worker has to file a request for authorisation to hire a worker living abroad (‘nominal hiring’) before s/he is admitted to the national territory. If the employer does not have a nominal preference, s/he can select the

⁶ Some exceptions concern the Blue Card Directive (Directive 2009/50/EC) and Single Permit Directive (Directive 2011/98/EU). Regarding the former, Italy transposed the Blue Card Directive with great delay (almost one year later the date laid down for the transposition) and introduced additional conditions: the Italian legislation seems to apply a notion of ‘higher professional qualification’ that does not match the one provided for by the Directive, as the TCN is required to hold both a higher education qualification *and* the relevant higher professional qualification to be admitted as a highly qualified worker. However, the very few numbers of Blue cards issued in Italy to date (only few hundreds) do not depend on this additional requirement, but rather derive from the lack of demand for high-qualified workers in Italy (IMD_OCSE). Other non-compliance issues concern the transposition of the Single Permit Directive (Directive 2011/98/EU). Rather than a single procedure, the 1998 Act foresees several steps for obtaining a ‘single working permit’ (applications for authorisation to work, for obtaining the entry visa, for obtaining the residence permit, each step involving different authorities; see Section 3.1), thus affecting the practical application of the Directive.

potential worker to be hired from lists of candidates that are available in non-EU countries with which Italy has signed bilateral agreements on migration management.⁷

By introducing the sponsor mechanism, the 1998 Act opened some margins for the development of a hybrid admission model in Italy. Accordingly, admission could be granted to a foreigner without a prior job offer to search for a job during one year, after which s/he was required to leave the country if still unemployed. This channel depended on the existence of a 'sponsor', that is, Italian citizens, NGOs or regional and local institutions, in charge of guaranteeing coverage of the foreign worker's daily expenses and providing for the costs in case of repatriation. As mentioned before, however, this sponsorship admission channel was experimented only very briefly and was eventually suppressed with the adoption of the 2002 Bossi-Fini Law, following the Law's general rationale of strengthening the nexus between admission and availability of a job contract.

However, the Italian model presents a peculiarity that makes it fundamentally different from that of other EU countries. In response to trade unions' pressures during the discussion of the 1998 Act, which claimed for guaranteeing equality of rights between Italian and foreign workers (including the right to mobility in the labour market), the Law does not bind a foreign worker's permit of stay to the employer once s/he is entered in the country.⁸ In abstract terms, this means that a foreign worker can change employment the day after s/he obtains the permit of stay for working purposes without being further subject to the quota system or any labour market tests (although some limitations apply for foreign workers holding a residence permit for seasonal employment).⁹ As one of our interviewees pointed out,

The idea is that once you are in Italy, you can work wherever you want, in any sector. This is very positive, I do not see it as a bad thing, but at the same time it completely destroys the demand-driven logic. Although there is not a formal job-search visa, in reality there is! Because it is enough that someone formally employs you, once you are

⁷ On paper, in each signatory country, these lists of candidates should have been produced and updated annually, with detailed information about candidates' profiles (nationality, qualifications and competences, previous work experiences in Italy and other countries, language skills, etc.) and employment preferences (e.g. seasonal or non-seasonal; fixed-term or open-ended; part-time or full-time). Candidates should have been listed according to the chronological order of the lodging of applications. These lists should then have been sent by the Italian Consulates to the Ministry of Labour and Social Policies, which forwards them to its territorial offices. Once the annual Flows Decree is adopted, employers can in principle access these lists and identify a prospective employees. If she/he does not provide a nominal preference, the selection of prospective workers meeting the employers' professional requirements should have been made following the list order (Articles 32 and 33 of Decree of the President of the Republic 394/1999). In practice, such lengthy and demanding procedure has seldom been fully and continuously implemented (ANPAL).

⁸ Trade unions and religious associations constituted a particularly active and strong coalition in claiming for migrants' rights. During the discussion of the draft of 1998 Act, they advocated against the possibility to bind a foreign worker's permit of stay to the employer and the job contract for a given period of time, as it was perceived as a form of slavery (PREMIN).

⁹ During the validity of the residence permit for seasonal employment, a foreign worker can work for other employers than the one who applied for her/his admission to Italy, provided that the activity concerns the same sector (agriculture or hotels/tourism). During the same period, the worker can convert the residence permit for seasonal employment into one for non-seasonal dependent employment (either fixed-term or open ended) within the amount of available annual quotas reserved for conversion, provided that she/he has regularly worked in the seasonal activity for at least three months and receives a regular job offer (in any economic sector). (Article 24[10] of the Consolidated Act, as amended by Legislative Decree 203/2016 implementing the Seasonal Workers Directive 2014/36/EU).

inside you have total mobility in the labour market. And this does not exist in any other European country. (IMD_OCSE)

This inconsistency in the Italian selection and admission model highlights a structural feature of the Italian approach to labour migration, that is, a particularly wide and persistent gap between law in the books and actual management, which will be further discussed in the following pages.

The quota system and the ‘Flows Decrees’

According to Article 3 of the 1998 Act and its amendments, the Ministry of the Interior and the Ministry of Labour and Social Policies should define a triennial Document of Migration Policy Planning (*Documento Programmatico Triennale* - DMPP), in which guidelines for future inflows, international co-operation and integration policies are identified, after consultation with all other concerned Ministries, the National Council for Economy and Labour (*Consiglio Nazionale dell'Economia e del Lavoro* – CNEL), Regions and local authorities, as well as trade unions, entrepreneurial organisations, and representatives of NGOs and voluntary associations concerned with migrants' integration.

Once defined the DMPP, the admission of non-EU foreign workers and their access to the labour market is based on a mechanism that determines on an annual basis a maximum number of new entries for seasonal and non-seasonal work (for an overview of the composition of annual quotas and changes over time, see Table 4 in Section 3.3). Annual quotas have to be set by the Ministry of the Interior and the Ministry of Labour and Social Policies through the adoption of the so-called '*Decreto Flussi*' (Flows Decree), after consultation of a technical working group composed by the relevant Ministries and parliamentary committees, and regional and local authorities. Upon invitation, representatives of trade unions and employers' organisations can participate in the technical working group meetings (Article 21).

In procedural terms, annual quotas are determined in relation to a combination of quantitative selectivity criteria with some qualitative criteria. Concerning the first, inputs for the definition of annual quotas come from two main sources:

1. *Assessment of labour shortages*, through:

- a. Labour market and population data drawn on ISTAT Labour Force Surveys and demographic studies;
- b. Consultation with the territorial branches of the Ministry of Labour, Regional and local authorities, and workers' and employers' organizations;
- c. Potential labour demand for a given year, which is estimated through an ad hoc survey carried out since 1997 by the Union of Chambers of Commerce on the prospective labour market's needs in the service and industrial sectors (so-called Excelsior surveys).
- d. Existing and available labour supply, including the stocks of native and foreign unemployed workers and of 'non-economic migrants', such as foreigners present in the country for family reunification or protection purposes, as they represent a potential workforce.

2. *Assessment of the 'integration capacity' of local territories* in terms of local labour needs and availability of social services at local level (such as housing, schools, health services). This criterion allows Regions to provide reports detailing the presence of migrant communities within their concerned territories and on their forecasted labour market needs.

Next to these quantitative criteria, some qualitative elements are also considered, which take into account both job-related features and foreign workers' personal characteristics. Concerning the first, annual quotas distinguish between types of employment, and specifically between entries for seasonal, non-seasonal employment, and self-employment. Moreover, and increasingly over time, a share of new entry permits set in annual Flows Decrees is specifically reserved for the conversion of existing stay permits, such as the conversion of permits for study or seasonal employment purposes into ones for employment or self-employment. As Table 4 in Section 3.3 shows, in 2007, quotas for conversion purposes represented 5% of quotas for non-seasonal employment (8,500 slots out of 170,000 non-seasonal quotas), while in 2019 they constituted around 76% of non-seasonal quotas (9,850 slots out of 12,850 non-seasonal quotas).¹⁰

In addition, quotas can be assigned to specific occupations. For instance, the 2001 Flow Decree reserved 5,000 entry slots to professional nurses and IT workers. Likewise, in 2006, special quotas were assigned to workers to be employed in the fishing sector and in 2007 to prospective workers in the construction sector. Significantly, in the period 2005-2010, an increasing share of quotas for non-seasonal employment has been reserved to the domestic and care sector, acknowledging the centrality of foreign workers for the Italian ageing population and familialist welfare state.¹¹ Since 2011, however, reserved quotas for domestic and care work have been suppressed partly as a response to reduced demand stemming from Italian families hit by the economic recession.

The second qualitative selectivity criterion concerns foreign workers' nationality. Accordingly, a share of annual quotas is reserved to nationals of third countries with which Italy has signed or is negotiating bilateral agreements on migration management, including border control and readmission. Accordingly, privileged entry quotas for countries that signed these agreements have been used mainly as a negotiation tools, by increasing quotas for 'committed' sending countries and reducing them when the collaboration of third countries on migration control and readmission procedures has proved unsatisfactory from the perspective of Italian governments (Salis 2012; MIG_PT; for an assessment of privileged quotas by nationalities, see Section 2.4). The list of sending countries that have been granted reserved quotas has increased exponentially over time: from three countries in 2000 (Albania [6,000 quotas]; Tunisia [3,000 quotas]; Morocco [6,000 quotas]) to 28 countries in

¹⁰ Within the amount of annual quotas specifically reserved to 'status conversion', stay permits for study and for seasonal employment can be converted into stay permits for non-seasonal employment (dependent employment or self-employment). Migrants holding a valid stay permit for study or seasonal employment can apply for conversion, provided that they fulfill the requirements for converting their permit into one for non-seasonal employment (income and housing requirements, a formal job offer - in the case of dependent employment - or certificates attesting the professional qualifications and registration in the concerned professional body in the case of self-employment activities).

¹¹ Special quotas for domestic and care workers amounted to 15,000 out of 54,500 in 2005, 45,000 out of 170,000 in 2006, 65,000 out of 170,000 in 2007, 105,400 out of 150,000 in 2008, and 30,000 out of 105,000 in 2011.

2019 (without specification of the amount of quotas specifically assigned to each country; for further details, see Annex 2).¹²

In addition, since 2002 the Bossi-Fini Law reserved special quotas to descendants of former Italian emigrants. Yet, these slots have remained largely unused by eligible candidates, as these slots have been reserved to former Italian emigrants living in Argentina, Uruguay, Venezuela or Brazil, from which emigration and return flows to Italy have never been significant. Furthermore, for the descendants of emigrants aspiring to migrate back to Italy, other (often less cumbersome) channels were also available, including the recovery of their ancestors nationality *jure sanguinis* (Tintori 2009). For these reasons, reserved quota for descendants of emigrants have been reduced from the year after their introduction, accounting to few hundreds admitted entries per year.

Other foreign workers' personal characteristics, and particularly their educational qualifications and/or professional competences, are barely taken into account in the process. Since 2002, specific quotas have been reserved to high-skilled foreign workers (such as entrepreneurs willing to invest in activities of 'special national interest', company shareholders and managers, artists of clear international renown, etc.) and foreign workers willing to create an innovative start-up in the country, with the aim of fostering innovation and competitiveness. Yet, this share accounts for a few hundred entries admitted per year, while the majority of slots still concerns low and medium-skilled workers.

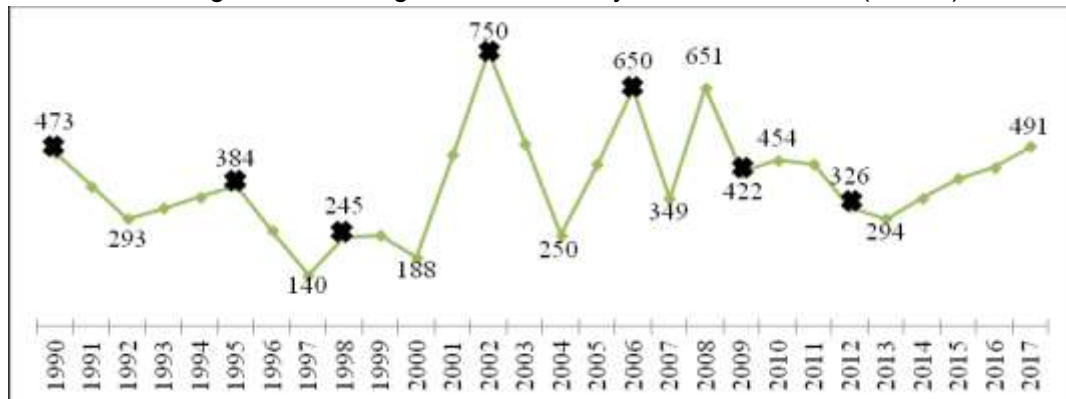
The policy of large-scale regularisations

Since the very beginning of immigration to Italy, the large presence of migrants with irregular status and the systematic use of large-scale regularisations have represented central features of the country's migration dynamics and policies (Figure 3).

As several studies suggest (among others, see: Fasani 2009; Fullin and Reyneri 2011; Triandafyllidou and Ambrosini 2011), the large presence of migrants with irregular status in Italy can be explained by two main structural and institutional factors, namely the characteristics of the country's labour market and the inadequacy of the regulatory framework for legal labour migration (See Sections 3.1 and 3.2).

¹² Albania, Algeria, Bosnia-Herzegovina, Egypt, El Salvador, Ethiopia, Gambia, Ghana, Ivory Coast, Japan, Korea, Kosovo, India, Macedonia, Mali, Mauritius, Moldova, Montenegro, Morocco, Niger, Nigeria, Philippine, Senegal, Serbia, Sri Lanka, Sudan, Tunisia, Ukraine.

Figure 3. Estimates of migrants with irregular status in Italy – absolute values (*1,000) - 1990-2017



(Note: Black crosses correspond to regularisations. Source: Buonomo and Paparusso 2018. Authors refer to data estimated by the ISMU Foundation on an annual basis by using the 'centre sampling technique' in foreign migration surveys. For a debate about this method and its accuracy, see: Baio et al. 2011.)

On the one hand, the significant share of underground economy and irregular employment in Italy is a fundamental pull factor for irregular migration. As one of our interviewees clearly explained,

The possibility of finding employment even without a regular permit of stay is an information that circulates through migratory chains and that makes flows self-perpetuating. This is because immigrants know that they can arrive in Italy and still manage to find a job to support themselves, even if they have not entered regularly. And this is a key element that favours the increase in inflows, especially towards Italy, where the share of irregular employment is larger than in other countries. (RES2).

In addition, regularisations per se may have activated irregular flows. Although it is not possible to demonstrate the existence of a 'pull effect' between a given regularisation and the increase in irregular inflows in the immediately preceding years, it cannot be excluded that the periodic implementation of regularisation shape migrants' perceptions and may contribute to expectations on the functioning mechanisms of the Italian migration regime (Finotelli and Arango 2011). As Figure 3 shows, in the years immediately preceding and following a regularisation, irregularity has increased. Accordingly, some studies have referred to an increase in the activity of migrants' networks in concomitance with the 2002 regularisation (Pastore 2004), pointing out the mobilisation of these actors and their expectations on new regularisation programmes. On the other hand, however, research suggests that only a minority of irregular migrants living in Italy entered the country illegally. As Finotelli and Sciortino report (2014: 82), nearly three out of four applicants to the 2002 regularisation had entered the country regularly, with a tourist visa or a visa for working purposes, and then overstayed.

On the other hand, as presented in Section 1, the demand for low-skilled foreign workers in Italy derives to a large extent from households or small and medium enterprises (SMEs). In these cases, the recruitment process often requires a relationship of trust between the willing employer and the prospective worker, and thus the possibility of direct personal knowledge between the parties. As an official of the Ministry of Labour argued,

Employers have never turned to Public Employment Services, we do not have a system in which one turns to these services to find a person to work in Italy. The culture of our country implies that hiring is totally based on trust relationships, on word-of-mouth. Word-of-mouth drives 80% of recruitment in our country.

Against these structural features of Italy's labour market and employment dynamics, the rigid linkage between the entry and the availability of a job contract established by the 2002 Law, as well as the mismatch between labour demand and planned quotas (see Section 3.1) have de facto created strong incentives to irregular migration. Therefore, independently from the colour of governing coalitions, the systematic recourse to large-scale regularisations has represented a primary policy tool in Italy's migration management, the use of which has been justified by "the need to compensate for past mistakes." (PREMIN). In fact, these measures have traditionally accompanied periodical normative changes in migration laws and were typically presented as necessary to rebalance the situation (Baldwin-Edwards and Zampagni 2014).

Accordingly, large-scale regularisations have been opened even by centre-right governments in the last fifteen years, in spite of their vocal claims against irregular migration. As Table 2 shows, centre-right governments in office between 2001-2006 (II Berlusconi government) and 2008-2011 (IV Berlusconi government) carried out two of the largest regularisation programmes in the country.

In 2002, soon after the approval of the 2002 Bossi-Fini Law, a massive regularisation was opened, initially for domestic and care workers and then to all workers. Differently from previous regularisations, that programme was entirely employer-driven, since only employers were entitled to apply for the regularisation of irregularly employed foreign workers (past schemes allowed migrants themselves to apply for the regularisation of their own status). Moreover, applicants had to pay a lump sum to compensate for due fiscal and social security contributions (290€/domestic worker; 700€/other category of dependent worker). Often known as the 'great regularisation' (the largest in Europe following the 2005 Spanish regularisation) and announced as an exceptional measure whose objective was to regularise as many immigrants as possible in order to solve the problem of irregular migration, the 2002 scheme resulted in the regularisation of 650,000 migrants, half of which as domestic and care workers.

In 2009, a new regularisation campaign was launched, targeting only migrants with irregular status employed in the domestic and care sectors. Opened in the midst of the economic crisis and during the stop on new labour migration inflows (no Flow Decree was approved in 2009), the new regularisation was justified by the need to secure Italian families and migrant women working in Italian households against the provisions of the recently adopted Security package, which framed irregular entry and residence as criminal offences.

The implementation of the 2009 regularisation was accompanied by strong criticisms and a mobilisation of migrant organisations and other civil society associations claiming for the rights of migrant workers, which criticised the discriminatory nature of the scheme and its discretionary implementation (Cappiali 2016).

The last regularisation campaign was opened in 2012 by the Monti technical government. Adopted in times of economic crisis and high unemployment, the regularisation followed

the reception of Directive 2009/52/CE, by which harder penalties have been introduced for the employment of irregular workers (Baldwin-Edwards and Zampagni 2014). To be eligible for regularisation, migrants had to be present in Italy since December 31, 2011, while employers had to demonstrate an income of no less than 30,000€. In addition, a lump sum of 1,000€ had to be paid, next to social contributions for the whole period of irregular employment (in any case, no less than 6 months of contributions).

Table 2. Regularisations in Italy – 1982-2012

Year	Applications received	Regularizations granted	Target	Government (and text of reference)
1982	12,000	12,000	General	I Spadolini government (Di Giesi Law)
1986-1988	118,700	118,700	General	II Craxi government (Foschi Law)
1990	234,841	234,841	Workers and students	VI Andreotti government (Martelli Law)
1995	256,000	238,000	Workers and students	Dini government (Dini Law)
1998	308,000	193,200	General	I Prodi government (Turco-Napolitano Law)
2002	702,156	650,000	Initially domestic and care workers only, then opened to all dependent workers	II Berlusconi government (Bossi-Fini Law)
2006	500,000	350,000	General	II Prodi government (Flow Decree)
2009	295,112	220,141	Care givers and domestic workers	IV Berlusconi government (Security package)
2012	134,576	99,000	General	Monti government (Legislative Decree)

(Source: Years 1982-2006: Brik 2011. Years 2009 and 2012: Home Ministry, *Dati e statistiche*)

In general, it is difficult to assess regularisations' outputs. On the one hand, long renewal procedures, the precariousness of immigrants' employment sectors and the frequency of short-term labour contracts might have favoured regularised immigrants' 'return to irregularity' (Finotelli and Arango 2011). On the other hand, research shows that regularisations have contributed to the stabilisation of foreign populations. According to a 2004 survey conducted by the ISMU Foundation in Lombardy, 98 per cent of migrants who had obtained their permit through a regularisation programme had never subsequently lost their legal status (Blangiardo 2004).

2.3 Education and professional training programmes for third-country nationals

Article 23 of the 1998 Act grants a preferential treatment for admission to foreigners that have participated in pre-departure linguistic and professional training programmes in their

country of origin (reserved quotas). According to the law, these initiatives should achieve a targeted recruitment of foreign workers in the Italian labour market while contributing to the development of manufacturing or business activities in sending countries.

Introduced by the 2002 Law, these programmes have to be proposed by Italian Regional and local authorities, in collaboration with employers' organizations and trade unions, international organizations and voluntary associations, and are subject to the approval of the Ministry of Labour and Social Policies and the Ministry of Education. However, because vocational and professional training programmes fall under the exclusive competences of Regions, which are in charge of evaluating, approving and financing programmes aiming at the professional training of prospective migrant workers, information concerning the development and results of these interventions is fragmented and difficult to trace.

According to one of our interviewees, two key aspects have been central in determining the results of these programmes. Firstly, the length of the procedure (that include courses on Italian language and culture, labour protection and occupational safety, and professional training activities), which affects the success of pre-departure training activities. As the author of the report explained us, "Months pass between the moment when the employer is willing to invest to have foreign workers trained on her/his needs and the moment in which the trained worker is admitted to Italy [note: which also depends on the moment in which the annual Flows Decree is adopted]. And this makes impossible any planning." (MIG_PT)

Secondly, the already discussed issue of trust. According to the procedure foreseen by Article 23, the prospective employer should hire the migrant worker before s/he is admitted to Italy. However, the recruitment process often requires a relationship of trust between the willing employer and the prospective worker, and thus the possibility of direct personal knowledge between the parties or, at least, the existence of a trustful matching infrastructure. As our interviewee explained us,

We had two successful pre-departure training experiences, the one with Sri Lanka and the one with Moldova. In the first case, Tuscany Region actively participated in finding households willing to employ foreign domestic workers. In the case of Moldova, this role was assumed by local stakeholders, who carried out the matching process. In both cases, we had an employment impact close to 100 per cent. On the contrary, a very negative example is the one with Egypt. In that case, the Ministry of Labour promoted pre-departure training courses aimed at the construction sector, but no matching mechanism existed. And the program failed. [...] Therefore, these programs succeeded when they were not conceived as pure market mechanisms, but rather when there was an active involvement of Italian institutions in creating the network and strengthening trust. (MIG_PT)

Next to pre-departure training activities, the 1998 Act foresees the possibility for third-country nationals to enter Italy for professional training purposes. Accordingly, Article 27 lists specific professional profiles that can be admitted out of the quota system, including university lecturers and researchers, posted workers, executives, and people admitted for purposes of professional training that subsequently carry out an internship with Italian employers (Article 27[f]).

The latter concern prospective migrants who are attending professional courses in their country of origin and are willing to complete their education in Italy. On the contrary, they cannot be activated for those activities that do not need a “professional training” nor for “basic professional activities” (Standing Conference for the relations between the State, the Regions and the Autonomous Provinces of Trento and Bolzano 5 August 2014).

More specifically, Decree of 22 March 2006 of the Ministry of Labour and Social Policies defines the criteria and procedure on the basis of which non-EU citizens can carry out periods of professional training in Italy aimed at the completion of a professional pathway. Differently from foreigners admitted for working purposes, third-country nationals admitted under Article 27[f] receive an ‘entry visa for study reasons’ from the Italian Embassy or other Italian consular authorities operating in the sending country upon request of a registered entity proposing the traineeship (e.g. universities, education institutions, public vocational training centres, public employment agencies).¹³

The visa application must be accompanied by a personalised training project, which must have been endorsed by the competent Regional authority on professional training. In it, the length of the internship and the activities to be carried out must be specified. Next to acting as intermediaries between the trainee and the employer, registered entities are in charge of providing accommodation to the trainee and of covering travel costs for her/his return to the sending country.

Unlike other cases regulated by Article 27, at the end of the traineeship the permit of stay for study purposes can be converted into a permit of stay for working purposes (within the annual quotas reserved for this procedure in Flow Decrees), if the employer with whom the traineeship has been carried out or other employers are willing to hire the trainee with a regular job contract.

However, it should be noted that, although set outside the annual quotas established by Flow Decrees, entries for professional training purposes are subject to a numerical ceiling determined by an Interministerial Decree adopted by the Ministry of Labour and Social Policies, the Ministry of the Interior and the Ministry of Foreign Affairs (to be adopted on annual basis until 2013, each three years since then). For more information on the use and outcomes of this channel, see Section 3.3.

2.4 Cooperation with third countries on labour migration and migration control

Bilateral agreements with sending countries for migration management represent an integral part of Italy’s labour migration policy. These include bilateral agreements on labour migration and international cooperation agreements for migration control.

Concerning the former, bilateral agreements on labour migration have been signed starting from the mid-2000s with Albania, Egypt, Moldova, Morocco, that is, the prevalent countries

¹³ Internships in Italy are based on agreements signed between public or private employers and accredited promoters acting as intermediaries, while a trainee has to sign the training project included in the agreement, which specifies the length of the internship and the activities to be carried out.

from which irregular inflows originate, and, more recently, with Sri Lanka, Mauritius and Philippines.¹⁴

These agreements are meant to strengthen the collaboration between these countries' institutions and Italian diplomatic authorities in the management of labour migration to Italy, by:

- a. Establishing a structured labour migration management system that ensures security and transparency, through the close cooperation between Italian and third countries' institutions, and the sharing of technical tools and best practices between them (e.g., lists of workers, training standards, technical assistance, dissemination of information);
- b. Strengthening the matching mechanisms between foreign labour force and the Italian labour market's needs. This is done through the drawing of lists of candidates willing to work in Italy by Italian local coordinating offices operating in the third country and third countries' employment agencies. In addition, foreign workers attending pre-departure linguistic and professional training programmes organized in the sending country by Italian professional training centres are given preference for the entry to Italy for work in sectors related with the professional training courses attended.

These agreements also include cover return and re-integration provisions, including facilitation of remittances, support the mobilisation of diaspora associations and promote development initiatives in the sending countries. Nevertheless, these goals and measures are set in quite general terms and no evaluations have been produced or made publicly available. Hence, their actual impact depends on the extent to which these measures receive priority among other objectives (IOM 2015).

However, the analysis of the texts of these agreements suggests that no particular efforts have been made to define tailored agreements according to sending countries' needs and Italian employers' needs. As one of our interviewees stated, the main reason is probably that keeping the agreements quite general was the best strategy to avoid lengthy negotiations among ministries with different priorities:

Our labour migration policy has always been based on copy-and-paste bilateral agreements. We did the first agreement with Albania, approved by the Parliament, and then the others were exactly the same. With Sri Lanka we did exactly the same agreement we made with Moldova or Albania. This is because the diplomacy was interested in selling an agreement, not in its content. The Ministry of Labour aimed at a generic agreement to keep margins for manoeuvre, while the focus of the Ministry of the Interior was on inflows control. There was no strategy regarding labour migration processes. (ANPAL)

More generally, there is a gap in the knowledge on the extent to which bilateral agreements for labour migration have actually met their initial goals. No evaluations on the

¹⁴ The texts of these bilateral agreements and their executive protocols can be found at: <http://www.lavoro.gov.it/temi-e-priorita/immigrazione/focus-on/accordi-bilaterali/Pagine/Attivita-e-servizi.aspx>, with the exception of the recently signed agreement with Philippines, which can be found at the following link: <https://www.asgi.it/wp-content/uploads/2018/01/accordo-migrazione-lavoro-italia-filippine.pdf>. These bilateral agreements specifically dealing with labour migration should not be mixed up with the bilateral agreements on migration controls signed in the late 1990s-early 2000s with countries benefitting from privileged admission quotas granted through yearly planning decrees (see above Section 2.2).

implementation of these agreements have been produced or made publicly available to date, making it difficult to assess the effectiveness of these policy tools in the management of labour migration.

For what concerns international cooperation on migration control, the first bilateral agreements on this domain were signed at the end of the 1990s, in parallel with the drafting and adoption of the 1998 Act and the entry into force of the Schengen Treaty in Italy in 1997. As mentioned in Section 2.1, the adoption of stronger migration control measures was seen as a necessary step for the country in order to be considered a reliable member by other EU Member States (Paoli 2018).

These agreements were often accompanied by measures concerning labour migration management as a counterpart for borders control and repatriation of irregular migrants (e.g. informal commitment to reserve entry quotas in Flows Decrees, as discussed in Section 2.2). Similarly, recent bilateral agreements signed since the mid-2000s with third countries have often led to the reservation of specific entry quotas in the Flows Decrees for prospective migrants of committed third countries, and often foresee the creation of pre-departure training facilities in third countries involved. To date, bilateral agreements on migration management have been signed by Italy with Albania, Algeria, Egypt, Kosovo, Libya (MoU), Moldova, Montenegro, Morocco, Nigeria, Philippines, Sri Lanka, Sudan (MoU) and Tunisia.

Overall, however, the mechanism of special quotas foreseen in bilateral and international cooperation agreements has often represented a constraint for prospective foreign workers of sending countries (Salis 2012). Since nationals of these countries can only be admitted through this reserved channel while they cannot enter Italy under general quotas, reserved slots have often been too narrow a channel for some of the largest immigrant nationalities in Italy. Accordingly, to date the largest share of reserved quotas has been granted to Egypt in 2007, and it amounted to 8,000 slots only. On the contrary, quotas reserved for countries that do not send many emigrants to Italy or for nationalities that are not demanded by Italy's labour market have often remained largely unused, like it has happened for quotas for nationals of Niger or South Korea. In addition, since 2011, due to the declining labour demand during the economic downturn, no specific quotas have been assigned to specific nationalities for non-seasonal employment. On the contrary, nationalities have been identified for seasonal employment only, but without specifying the exact amount of reserved quotas by nationality (Annex 2).

More generally, due to the increasing reduction in quotas foreseen in Flow Decrees since the late 2000s, the reservation of quotas in exchange for border controls and repatriations has largely remained on paper, given rise to criticisms from committed sending countries. As one of our interviewees recognised, "On any occasions or public events, the Egyptian Ministry remember us about his citizens still registered in the lists of candidates for labour migration to Italy" (MIG_PT). Also as a consequence, and due to the proliferation of the number of countries benefitting from privileged admission quotas in a labour market context where the actual admission was proving increasingly difficult, privileged admission quotas as a diplomatic bargaining tool have gradually lost credibility (COM_IOM; PREMIN).

However, some small-scale pilot projects developed in the framework of international cooperation on migration are worth mentioning, as the MENTOR Project presented in Box 1.

Box 1. The MENTOR project

Launched on January 2018, the MENTOR project (Mediterranean Network for Training Orientation to Regular Migration) aims to improve temporary and circular migration schemes between Italy, Tunisia and Morocco, within the framework of the EU Mobility Partnerships signed with Morocco (7 June 2013) and Tunisia (3 March 2014).¹ Specifically, it aims at:

- a. Strengthening cooperation between training, employment and youth services operating in the cities involved in the project (Milan and Turin in Italy; Beni Mellal, Khouribga and Fquih Ben Salah in Morocco; Tunis in Tunisia);
- b. Enhancing youth and employment workers' competences to promote temporary and circular migration of young people;
- c. Improving information about legal temporary and circular migration to Italy and the EU for Tunisian and Moroccan citizens;
- d. Increasing access to labour market for young Tunisians and Moroccans in their country of origin thanks to their participation in training programmes carried out in Milan and Turin, by improving the recourse to Article 27[f] regulating the admission of TCNs to Italy for training purposes.

The project, led by the International Cooperation Bureau of the Municipality of Milan in cooperation with the Municipality of Turin and the Agenzia Piemonte Lavoro – APL (Piedmont Employment Agency), is co-funded by the EU (540,000€ in total). It involves several institutional, economic and social partners in all concerned cities, including national and local departments concerned with employment and youth, education institutes and universities, employers' associations, chambers of commerce, trade unions and non-governmental organizations.¹

In procedural terms, the project consisted of several steps:

1. *Mapping of all potential stakeholders in the four territories involved.* In Milan and Turin, these included employment and counselling services, professional training centres, education institutions and universities, youth associations and immigrant organizations, as well as potential employers willing to host foreign trainees and interested in the targeted areas. In Morocco and Tunisia, similar stakeholders were involved in the diffusion of the initiative and in the development of counselling activities concerning temporary and circular migration to Italy and the EU.
2. *Creation of Local Consultation Committees.* These Committees were composed by interested stakeholders with the aim of sharing experiences and identifying common procedures to improve opportunities for professional traineeships for young Tunisians and Moroccans.
3. *Identification of developing economic sectors and launch of information campaign.* Information concerning developing economic sectors in Morocco and Tunisia was used to define the call for the selection of trainees in the targeted areas (20 traineeships in total). The information campaign concerned both temporary/circular migration to Italy and the opportunities provided by the project in terms of professional growth and local development.
4. *Selection of 20 participants* (10 per country), according to candidates' CV, motivation letter and a post-traineeship project, and the matching of candidates' profiles with willing employers in Milan and Turin.
5. *Pre-departure trainings* on Italian language, civic education and work culture.

6. Professional traineeships in Milan and Turin for 3 months. In carrying out the traineeship, participants were provided with a professional tutor, and received personalized support by the MENTOR team (e.g. intercultural mediation activities, orientation to health or other public services, information about cultural events). The project also provided employers with the economic resources for the traineeship (e.g., insurance, accommodation of participants, travel costs).

7. Post-traineeship tutoring and support for work integration/creation of start-ups in Morocco and Tunisia, with the support of professional tutors and Local Committees.

According to the Project Manager, despite some initial difficulties concerning the identification of prospective employers and the matching between worthy candidates and employers' demands, the key factor that has guaranteed the success of the initiative is the high level of coordination and cooperation across actors. As she claimed,

Each step of the project has been developed in a really participatory way, through the creation and active involvement of Local Committees. The call, the selection of candidates, as well as the matching between potential trainees and hosting employers, every decision has been discussed and agreed upon by Local Committees. We carried out a real participatory work. (MENTOR)

Consequently, the creation of an efficient matching infrastructure, composed by institutional, economic and social stakeholders in both sending and receiving territories, has been central to achieve the project goals. From the perspective of our interviewee, "similar projects sustaining the costs of the initiatives on the side of employers failed because there was not a matching infrastructure, no one was in charge of rigorously selecting and matching candidates with employers' specific needs."

Although no definitive results can be provided yet, participants expressed positive evaluations on the experience, and in some cases contracts for a continuation of the collaboration between the participant in his/her country and the hosting employer in Italy are under definition. The final deliverable of the project will consist in the publication of open-access guidelines for the promotion of similar mobility schemes. For more information on the project developments, see: <https://www.networkmentor.org/progetto-mentor>.

3. Analysis: implementation and effectiveness

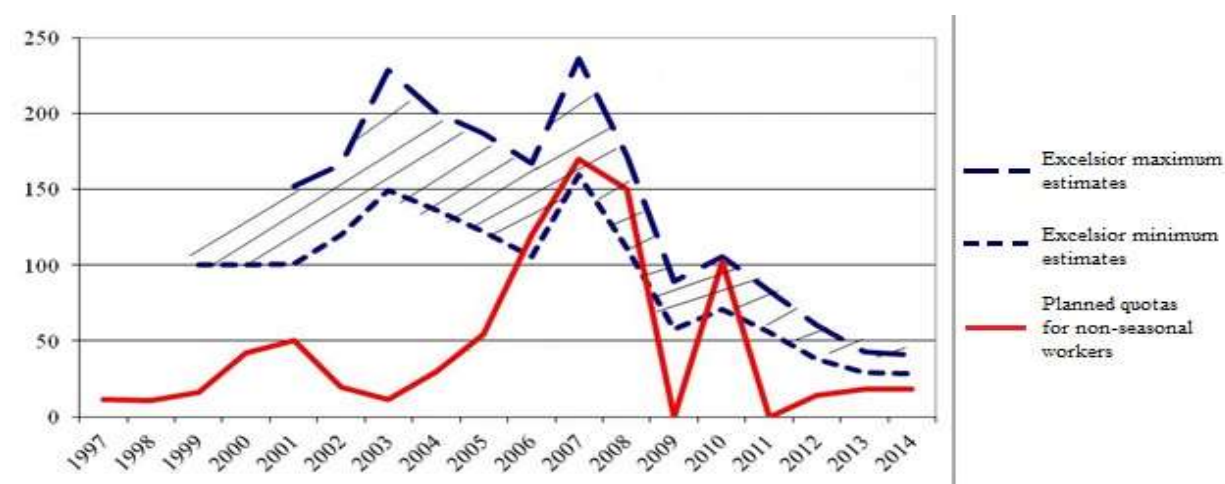
3.1 De facto implementation of policies, laws and programmes

As described in Section 2.2, annual quotas for the admission of third-country nationals should be set after a careful analysis of existing labour shortages and the 'integration capacity' of local territories. This process should be carried out by the Ministry of the Interior and the Ministry of Labour and Social Policies, after consultation with Regions, employers' organisations and trade unions. However, several shortcomings have characterised the methods used to collect reliable policy inputs in this domain, concerning both technical aspects related to the assessment of labour market needs and actors' participation in decision-making.

Labour market needs are estimated through an ad hoc survey carried out by the Union of Chambers of Commerce, which provides data about the willingness of employers to hire foreign workforce in the industrial and service sectors and the skills requested (the so-called "Excelsior surveys"). By focusing on these sectors, however, the survey does not

take into account some of the most important employers of foreign workers in the country, namely enterprises in the agricultural sector and especially private households. In addition, the Excelsior survey provides information about employers' *intentions* to hire a foreign worker, which are highly susceptible to economic performances and trends (Salis 2012). These shortcomings may partially explain the mismatch between labour market needs estimated by Excelsior surveys and actual planned quotas that has characterised labour migration planning in Italy until the 2008 economic crisis (Figure 4).

Figure 4. Estimated demand and planned quotas for non-seasonal workers – absolute values (*1,000) – 2000-2014



(Source: Einaudi 2018: 228)

Additional inputs for policy planning should come from ministerial consultations with Regions, Provinces, employers' organisations and trade unions. Accordingly, the 2002 Law introduced the possibility for Regional authorities to prepare a report on the presence of migrant communities in their respective territories and on their forecasted needs, and to convey it to the central government. However, this possibility has been barely used by many Regions, as they often lacked the necessary resources and technical skills to provide an in-depth and reliable analysis of the presence of migrant communities and of local labour markets (ANPAL).

On the contrary, employers' organisations and, to a lesser extent, trade unions have often pressed for large amounts of annual quotas, responding to their specific (and paradoxically converging) interests: an available cheap workforce for the former, more union members for the latter. Therefore, "the consultation process for quota definition has never been informed by rigorous assessments of labour market needs, but it resembled a 'bidding war' instead, in which each actor competed to achieve the largest number of quotas according to their vested interests." (NCG_REG).

As it clearly emerges, consultation procedures among governmental and non-governmental actors in migration policy planning have progressively lost their importance over time, leaving the central government a more discretionary power to manage labour inflows. The lack of technical skills of and rigorous assessments from Regions, trade

unions and employers' associations, together with a progressive reframing of the migration issue in terms of security and control (and thus primarily a matter of the Ministry of the Interior rather than the Ministry of Labour and Social policies) have affected the role of Regions, employers' organisations and trade unions in the decision-making process, who currently receive information about annual determinations only after central government's decisions (TU UIL; UIL, minutes of the meeting of the Ministry of Labour and Social Policies with trade unions and employers' organisations on the forthcoming 2018 Flows Decree – 13 November 2018). In addition, the triennial planning decree (DMPP), which should be adopted by all concerned Ministries, Regions, and social and economic partners to inform labour migration policy planning, was often issued with great delay (the DMPP for the period 2004-2006 was adopted at mid-2005), while since 2005 no DMPP has been adopted, probably as an implicit acknowledgement of the difficulties deriving from carrying out effective and rigorous forecasts on labour migration needs in the country.¹⁵ According to some commentators, this lack of consultation represents a tacit reform of the Italian policy framework, to the extent that central government's planning decisions are not subject to any type of preliminary consultation with relevant stakeholders and the Parliament anymore (Livi Bacci 2011).

Next to weaknesses related to decision-making, the implementation of labour migration policies and the matching between labour demand and supply have been largely influenced by the length and increasing bureaucratisation of the administrative procedures for authorisation request, visa issuance and stay permit issuance (Caponio et al. 2012). Accordingly, once the annual Flows Decree is published in the Official Journal, the implementation of the quota system takes shape in three main steps:

1. *The authorization request*, to be presented by employers willing to hire a foreign worker living abroad to the Immigration Single Desk (*Sportello Unico per l'Immigrazione*), which operates at the provincial level and is hosted by *Prefetture* (territorial branches of the government). In filling in the application, which is entirely computerised, employers must include the so-called "stay contract" (*contratto di soggiorno*), which provides contract's details and by which an employer commits her/himself to guarantee adequate lodging for the prospective worker and travel costs in case of worker's expulsion before the expiry of the contract. Applications must be submitted starting from a date indicated in the Flows Decree and their evaluation follows a 'first come, first served' logic, meaning that the attribution of entry slots to employers depends on the moment at which the request is lodged.

The evaluation of the request includes legal checks (eligibility criteria for both the employer and the prospective worker, particularly concerning the absence of previous apprehensions in irregular situation) and labour market tests (checks about the availability of national or EU workers for that specific job). Once the evaluation is finalised and within the amount of quotas, the Immigration Single Desk delivers the authorisation (*nulla osta*) to the employers. According to the law, this first step should be carried out within 40 days from the submission of the request by the employer.

¹⁵ According to 1998 Act, in the absence of a DMPP, new annual quotas cannot exceed the numerical ceiling established the previous year. Therefore, the lack of any DMPP since 2005 has made it impossible to set annual quotas that may respond to the – potentially increasing – labour market needs of foreign workers.

2. *The visa request*, to be presented by prospective migrant workers in their countries of origin. Once the *nulla osta* is delivered to the employer, she/he sends it to the foreign worker, who has to request a visa for working purposes at the Italian diplomatic representation in her/his country of origin. The *nulla osta* is valid for 6 months, during which the visa must be issued.
3. *The stay permit issuance*. Within 8 days upon arrival, the foreign worker must sign the stay contract submitted by the employer at the time of the authorisation request and apply for the stay permit for working purposes. The employer, who must be present during the signature of the stay contract, must formalise the hiring within 48 hours of the signature (the so-called “*comunicazione obbligatoria*”).

As it might be expected, the procedure has often been criticised for its excessive length, as it may last several months and even years. For instance, in 2008, on average, 188 days were necessary for the issuance of *nulla osta* to the employers, while additional 123 days passed from the authorization issuance to the stay permit request (Ministry of the Interior 2010).

The lengthiness of the administrative procedure to admit a foreign worker is a particularly critical aspect of the implementation of the quota system, particularly if one considers that employers are often unwilling or unable to wait months – or even years – to hire a worker (IMD_OCSE). Also because of this, illegal employment of foreign workers appears more convenient from the employers’ perspective: “confronted with such cumbersome and costly procedure, while having at their disposal a wide pool of cheap workers to be employed irregularly, employers do not find convenient to waste time with bureaucracy.” (TU_UIL)

Hence, the existence of bureaucratic procedures may partially explain why a significant share of available quotas has often remained unused. Accordingly, on October 2017, i.e. eight months later the opening of the procedure defined by the 2017 Flow Decree, only 42% of planned quotas was attributed, 9% was under allocation, while roughly 50% remained unused (Ministry of Labour and Social Policies, 2017). While such results could derive from the economic downturn affecting the Italian labour market since 2008, similar trends were observed during the mid-2000s, when the demand for foreign workers was at its height. For instance, on December 2007 only one third of planned quotas for 2006 was attributed (Salis 2012).

This gap between planned and used quotas could be partially explained by delays in the admission procedure, which might have led employers to find alternative employees while waiting for the admission of the migration candidate. In addition, it could derive by a widespread illegal practice according to which employees allow migrants to enter Italy through annual quotas and, once in the country, they do not hire them formally but rather exploit them in the illegal market (NCG_REG; COM_IOM). According to anecdotal evidence, employers carry out the procedure concerning the authorisation request for foreign workers (step 1 of the administrative procedure) but then do not submit the “*comunicazione obbligatoria*” (compulsory communication), which is a precondition for formal employment as it informs the National Social Security Institute (INPS), the National Institute for Insurance against Labour Injuries (INAIL) and the Prefecture about the

conclusion of a new employment contract. An official of the Ministry of Labour and Social Policies clearly summarised this point.

We introduced the *comunicazione obbligatoria* in 2007, and the following year we wanted to check the mechanism. The idea behind this evaluation was that if you use an entry channel for working purposes [the quota system] and then you are hired by the employer who asked for you, the channel works. If not, the way employers and migrants are using the channel is a fraud. In 2008 we opened 150,000 quotas for non-seasonal employment. We received 1,500 *comunicazioni obbligatorie*. This means that 148,500 people entered Italy for working purposes but they had not been hired. What's behind this gap? Illegal and undeclared work. It is the whole Italian political, economic and social system that never wanted a migration management and control policy, it is not thought to be advantageous for anyone (ANPAL).

Several reports have highlighted the frequency of such practice, particularly in the agricultural sector, in which exploitation of foreign workers is carried out by criminal organisations and agricultural employers (the so-called phenomenon of '*caporalato*') and against which policy measures have been recently adopted (Legislative Decree 109/2012 implementing Directive 2009/52/EC; Law 199/2016 against *caporalato*). In fact, recent estimates suggest that regular and irregular foreign workers in the agricultural sectors amount to 405,000, of which 16.5% working with an irregular job contract and 38.7% receiving a salary that does not comply with minimum remuneration principles (Osservatorio Flai-CGIL 2018).

3.2 Evolution during the course of implementation

The intrinsic limitations of the legal framework regulating the selection and admission of foreigners for work and training purposes, the weaknesses concerning the decision-making and implementation of the quota system, and the structural features of the Italian labour market are at the core of Italy's matching problem between labour market demands and supply. As it becomes clear, it is difficult for an employer-driven admission system to work in the absence of an effective and reliable matching infrastructure. It is even more complex if the system operates within a labour market structure characterised by a large share of informal employment and in which the majority of employers of foreign workers are SMEs and families, for which the issues of trust and personal relations with prospective employees are central.

Given these premises, the matching between employers and migrant employees has usually occurred on informal grounds. Migrants have often arrived irregularly in the country and found employment; then, annual quotas were used to regularise them. In other words, annual quotas set in Flows Decrees have often been used not to allow foreign workers to enter the country according to a prior matching procedure, but rather to regularise workers who were already working in Italy. As many scholars have pointed out, Flows Decrees have in fact been used as a yearly informal regularisation mechanism (Baldwin-Edwards and Zampagni 2014; Zincone 2011).

Although no data is available on this regard, almost all our interviewees confirmed the existence of such dynamic. As one of them clearly stated:

Flows Decrees have been always used as amnesties and not as a labour migration planning tool. It was clear to all that they were hidden amnesties. All Flows Decrees have been used to a large extent to regularise people that were already present in Italy. This is also because it is fanciful to think that the admission mechanism - based on the fact that an employer hires a person never seen before, from abroad, to whom he must guarantee accommodation and travel costs - could work! (TU_UIL).

Widely known and accepted by stakeholders and experts, the recourse to Flows Decrees as a policy tool to regularise migrants already present in the country has been explicitly discussed in recent times in relation to asylum seekers. Accordingly, on July 2018 the Presidency of the Council of Ministries suggested including asylum seekers already present in Italy and whose application is still pending/has been rejected but who found a legal occupation in the meanwhile, among the groups targeted by annual Flows Decrees (La Stampa, July 18, 2018). Although no new or more detailed information has been provided on this concerns, this proposal explicitly recognises the practice of using Flows Decrees as a regularisation tool rather than an instrument of migration policy planning.

3.3 Outcomes of laws, policies and programmes

As the previous sections suggest, throughout the 2000s, Italy's labour migration policy planning and its outcomes have been characterised by a double gap, between demand for foreign workers and planned quotas, and between planned quotas and actual hiring of foreign workers in the formal labour market. The limitations of the legal framework on labour migration and the weaknesses concerning its implementation have significantly shaped migration of TCNs for work and training purposes to Italy.

In addition, labour migration to Italy has undergone an important process of Europeanisation, particularly after the two EU enlargement waves in 2004 and 2007 (Pastore 2014). Indeed, Eastern EU citizens – and primarily Romanians - represent an important share of foreign residents in Italy: as it was presented in Section 1, in 2017 there were more roughly 1,170,000 Romanians in the country, accounting for 23.2% of total foreign residents. Although Italy adopted transitional arrangements to limit access to labour market for new EU citizens in both 2004 and 2007, restrictions had been quite limited, particularly for what concerns the enlargement to Bulgaria and Romania. As a matter of fact, in 2007, some of the sectors employing more extensively these new EU citizens were exempted from any restrictions, i.e. agriculture, metal industry, construction, tourism, and domestic and care services.

However, since the outbreak of the 2008 economic crisis, the generalised worsening of the occupational situation in the country and the increasing unemployment rate across natives and foreigners have led governments to stop new entries for non-seasonal employment in 2009, and to drastically reduce non-seasonal and seasonal entry quotas since then (Table 4). As explained in Section 2.2, in fact, the definition of annual quotas should also consider existing and available labour supply, including the stocks of native and foreign unemployed workers and of 'non-economic migrants', such as foreigners present in the country for family reunification or protection purposes, as they represent a potential workforce. Therefore, planned quotas for non-seasonal employment have been curtailed from almost 170,000 slots in 2007 to 12,850 in 2019 (-92.4%), and quotas for seasonal employment

have been cut from 80,000 slots in 2007 to 18,000 in 2019 (-77.5). Even more, non-seasonal entry quotas have been mainly used for so-called ‘status conversions’ (e.g. from a student residence permit to a residence permit for working reasons): in 2007, quotas for conversion purposes represented 5% of quotas for non-seasonal employment (8,500 slots over 170,000 non-seasonal quotas), while in 2019 they constituted around 76% of non-seasonal quotas (9,850 slots over 12,850 non-seasonal quotas).

Table 4. Planned quotas for seasonal and non-seasonal employment – 2001-2019

Year	Annual quotas	Seasonal	Non-seasonal	<i>of which: Conversions</i>
2001	83,000	33,000	50,000	-
2002	79,500	60,000	16,500	2,000
2003	79,500	68,500	10,000	800
2004 ^(a)	115,000	54,000	25,000	1,250
2005 ^(a)	159,000	25,000	54,500	1,200
2006 ^(a; b)	770,000	80,000	520,000	5,700
2007	250,000	80,000	170,000	8,500
2008	230,000	80,000	150,000	-
2009	80,000	80,000	-	-
2010	184,080	80,000	104,080	11,500
2011	60,000	60,000	-	-
2012	52,850	35,000	18,850	11,750
2013	47,850	30,000	17,850	12,250
2014	32,850	15,000	17,850	12,350
2015	30,850	13,000	17,850	12,350
2016	30,850	13,000	17,850	14,250
2017	30,850	17,000	13,850	10,850
2018	30,850	18,000	12,850	9,850
2019	30,850	18,000	12,850	9,850

(a) On 2004, 2005 and 2006, the difference between annual quotas and quotas for seasonal and non-seasonal employment represents those reserved slots that were assigned to migrant workers originating from new EU countries subject to transitional limitations (36,000 quotas in 2004; 79,500 quotas in 2005, 170,000 quotas in 2006). (b) After the adoption of the Flows Decree on February 2006, two additional decrees were adopted that year to significantly increase the number of annual quotas, which have been largely used to regularise migrant workers who were already present in the country with irregular status [Einaudi 2018]. Source: Decree of the President of the Council of Ministries (DPCM) 9 April 2001; Ministerial Decree (MD) 4 February 2002; MD 12 March 2002; MD 22 May 2002; MD 16 July 2002; DPCM 15 October 2002; DPCM 6 June 2003; DPCM 19 December 2003; DPCM 20 April 2004; DPCM 8 October 2004; DPCM 17 December 2004; DPCM 17 December 2004; DPCM 15 February 2005; DPCM 14 February 2006; DPCM 14 July 2006; DPCM 25 October 2006; DPCM 9 January 2007; DPCM 30 October 2007; DPCM 8 November 2007; DPCM 3 December 2008; DPCM 20 March 2009; DPCM 15 April 2010; DPCM 30 November 2010; DPCM 17 February 2011; DPCM 13 March 2012; DPCM 16 October 2012; DPCM 15 February 2013; DPCM 25 November 2013; DPCM 12 March 2014; DPCM 11 December 2014; DPCM 2 April 2015; DPCM 14 December 2015; DCPM 13 February 2017; DCPM 15 December 2017; DCPM 12 March 2019)

Consequently, and together with new migration dynamics since the beginning of the 2010s, immigration flows to Italy have significantly changed in their composition, as Figure 5 in Section 1 shows. Although work still represents the first type of residence permits

issued throughout the period 2007-2017, family reunification and humanitarian/asylum protection have increasingly constituted important motivations of non-EU migrants entering Italy. In 2007 more than 50% of new residence permits had been issued for working reasons, against 32.3% for family reunification and 4.3% for humanitarian/asylum protection. By 2017, however, this trend was almost reversed: residence permits for working reasons only represented 4.6% of new residence permits issued, against an increase in permits for family reunification (43.2%) and – to an even larger extent – for humanitarian/asylum protection (38.4%).

For what concerns new entries for training purposes, this channel remains still marginal in Italy.¹⁶ As mentioned in Section 2.3, entries for professional training purposes are subject to a numerical ceiling determined by the Interministerial Decree adopted by the Ministry of Labour and Social Policies, the Ministry of the Interior and the Ministry of Foreign Affairs. Moreover, they have been barely used. On 2010 and 2012, the number of entries set for professional training purposes amounted to 10,000 slots per year, of which 5,000 entries were allocated to foreigners willing to participate in professional training courses and 5,000 entries for attendance of professional traineeships (Ministry of Labour and Social Policies 2012). In the period 2014-2016, the number of entries defined for professional training purposes was reduced, accounting to 15,000, of which 7,500 for professional training courses and 7,500 for professional traineeships. Overall, only 4,524 slots have been used in the same time span (Ministry of Labour and Social Policies, Decree 24 July 2017).

4. Outlook

Our analysis suggests that Italy's labour migration policies have proven to be ineffective in addressing the complementary goals of satisfying labour market needs while contrasting irregular inflows (Pastore 2016). The inadequacy of the quota system, in terms of inaccurate determination of labour market demand, lack of an effective matching infrastructure and cumbersome administrative procedure, has greatly contributed to the persistence of irregular migration and employment in the country. From this perspective, the systematic recourse to massive regularisations throughout the 1990s and 2000s and the use of the quota system to regularise foreign workers who are already present in the country with irregular status have constituted key policy tools of Italy's labour migration management.

On the contrary, arrangements aimed at promoting migration for education and training purposes have been scarcely put in practice. Although promising pilot projects (such as the one described above in Box 1) have shown the potentials of this channel, these policy experimentations have occurred at the local or regional levels, without attaining a systemic and systematic dimension.

¹⁶ Data about entry permits for study purposes presented in Figure 5 concerns all visas which allow entry to Italy for short (less than 90 days) or long stay (more than 90 days) to the foreigner who intends to attend university courses, study courses or professional training courses/professional traineeships at recognised institutes.

Despite all stakeholders involved seem to be aware of the pitfalls and problems affecting the Italian selection and admission system for work and training purposes, no substantial reforms have been openly discussed. On the one hand, and differently from other EU countries, employers of foreign workers in the country have never assumed a leading role in public debates on labour migration, either because they lack the power and organisational resources to lobby for an effective and comprehensive labour migration reform with policymakers (in the case of SMEs and households), or because they have no strong vested interests (and possibly also insufficient technical knowledge) in this policy domain (Salis 2012; Watts 2002).

On the other hand, increasingly negative attitudes towards immigration have turned labour migration policies into an ever more contested policy issue. Despite inefficiencies in the policy framework, any proposal for reforming the labour migration framework and opening legal entry channels for working purposes has become increasingly costly in political and electoral terms, particularly since the outburst of the economic crisis and the refugee crisis. Also as a result of this, a growing convergence in securitarian discourses and policies adopted by centre-left and centre-right coalitions has emerged (Cappiali 2017; Zincone 2011). Issues of security and the struggle against irregular migration have increasingly dominated recent political campaigns, contributing to a hyper-politicisation of the migration domain and the increasing relevance of the Northern League as the main political entrepreneur in the policy arena.

This specific framing clearly emerges in the so-called government contract (*'contratto di governo'*) drafted and signed in the aftermath of the 2018 national elections by Luigi Di Maio, political leader of the Five Stars Movement and current Minister of Labour and Social policies, and Matteo Salvini, political leader of the Northern League and current Minister of the Interior. In the contract, the migration issue is entirely addressed in terms of security, border and asylum management, that is, it constitutes an exclusive competence of the Ministry of the Interior. On the contrary, there is no mention to labour migration (Pastore 2018).

However, the strengthening of the securitarian frame and the centralisation of migration decision-making in the hands of the Ministry of the Interior is not a novelty. Rather, it has been the result of the institutional setting governing migration in the country. Although the law foresees a concurrent competence on migration management between the Ministry of the Interior and the Ministry of Labour and Social policies, over time decision-making power has been increasingly centralised in the hands of the former. Consequently, the migration issue has been progressively addressed in terms of security and control rather than as a labour market opportunity, independently from governing coalitions: migration control policies and the agreements signed with sending and transit countries promoted by Marco Minniti, Minister of the Interior of the Gentiloni centre-left government, are illustrative in this regard.

Critical voices mainly come from CSOs concerned with migration and human rights, who have strongly opposed securitarian measures adopted in the last years. Nevertheless, claims – and proposals – related to labour migration appear weak. These usually focus on reviving the sponsorship mechanism again, while innovative proposals are quite rare.

Overall, in a context in which the labour market does not call for new inflows, the migration issue has become a marker of ideological positioning rather than a phenomenon to be managed.

Besides the pitfalls of Italy's migration policies and policymaking dynamics, some directions can be drawn in the light of debating mobility options to Europe for work and training. The Italian case clearly points out the importance of an effective matching infrastructure between labour migration supply and demand. On the demand side, employers of foreign workers have been hardly able to foresee their labour needs or have been excluded from the quota definition mechanism. On the supply side, the absence of a legal job-search entry channel, together with the ineffective management of pre-departure selection tools, made it difficult for prospective employees to come into contact with employers through formal recruiting channels. Combined with the features of the Italian labour market, in which the recruitment process often requires a relationship of trust and personal relations between the willing employer and the prospective worker, the absence of an effective matching infrastructure has created strong incentives to irregular migration.

To sum up, as our analysis has shown, the establishment of a *transnational matching infrastructure*, composed by relevant institutional, economic and social stakeholders in both sending and receiving countries, is a pre-requisite for ensuring an effective match between demand and supply in cases of migration for labour and professional training purposes.

Some recent small-scale pilot projects (like the already mentioned MENTOR project) seem to trace a promising path, where a multi-level governance structure (with the involvement of both local governments, local branches of national governmental agencies and civil society organisations) well-rooted in the sending and receiving contexts was key to the encouraging results achieved. But the complexity of the governance structure that is required is hardly sustainable until admission schemes of this kind are kept at such a small scale, with only a few dozens or hundreds of workers or trainees involved.

In order to scale up such innovative approach and attain substantial economies of scale, much more systematic efforts have to be made and more resources need to be invested in the pre-departure phase. Only through more ambitious investment in pre-departure training, and more broadly in education, the structural hurdle of transnational matching can effectively be attacked. But this requires a radical change of approach, from an opportunistic search of migratory solutions to fill short-term labour market gaps, to *long-term oriented transnational strategies for cooperative human capital development*. Furthermore, in order to create appropriate incentives on the side of both sending and destination countries such education and training schemes should probably not be aimed exclusively at preparing emigration, but they rather should be dual-use, i.e. geared both to domestic labour market of origin countries and to the international labour market.

This country report, mainly aimed at an overall retrospective evaluation of Italian experiences in the field of labour migration management, is clearly not the appropriate context for elaborating in greater details on the possible features of future cooperative schemes. A potential window of opportunity for policy innovation in this field could have been represented by the Global Compact for Safe, Orderly and Regular Migration to be

adopted in Morocco in December 2018 (Box 2). However, the Italian government recently declared its intention to abandon the Global Compact, pointing out how the hyperpoliticisation of the migration issue and the lack of pragmatic and objective debates in the country are negatively affecting Italy's national policies and international role in the global agenda on migration.

Box 2. The Global Compact on migration as a window of opportunity for policy innovation in the field of legal migration for work and training: key passages

This important new framework for international migration governance contains some commitments that could be conducive to substantial innovation in the field of legal migration for work and training.

Based on the final draft adopted in July 2018, the following passages are worth quoting. In the Section devoted to Objective 5 ("Enhance availability and flexibility of pathways for regular migration"), the following Actions raise particular interest for our purposes:

"c) Review and revise existing options and pathways for regular migration, with a view to optimize skills matching in labour markets, address demographic realities and development challenges and opportunities, in accordance with local and national labour market demands and skills supply, in consultation with the private sector and other relevant stakeholders;

d) Develop flexible, rights-based and gender-responsive labour mobility schemes for migrants, in accordance with local and national labour market needs and skills supply at all skills levels, including temporary, seasonal, circular, and fast-track programmes in areas of labour shortages, by providing flexible, convertible and non-discriminatory visa and permit options, such as for permanent and temporary work, multiple-entry study, business, visit, investment and entrepreneurship".

Even more specific are the following passages under Objective 18 ("Invest in skills development and facilitate mutual recognition of skills, qualifications and competences"):

"We commit to invest in innovative solutions that facilitate mutual recognition of skills, qualifications and competences of migrant workers at all skills levels, and promote demand driven skills development to optimize the employability of migrants in formal labour markets in countries of destination and in countries of origin upon return, as well as to ensure decent work in labour migration. To realize this commitment, we will draw from the following actions: [...]

e) Build global skills partnerships amongst countries that strengthen training capacities of national authorities and relevant stakeholders, including the private sector and trade unions, and foster skills development of workers in countries of origin and migrants in countries of destination with a view to preparing trainees for employability in the labour markets of all participating countries;

f) Promote inter-institutional networks and collaborative programmes for partnerships between the private sector and educational institutions in countries of origin and destination to enable mutually beneficial skills development opportunities for migrants, communities and participating partners, including by building on the best practices of the Business Mechanism developed in the context of the Global Forum on Migration and Development;

g) Engage in bilateral partnerships and programmes in cooperation with relevant stakeholders that promote skills development, mobility and circulation, such as student exchange programmes, scholarships, professional exchange programmes and trainee- or apprenticeships that include options for beneficiaries, after successful completion of these programmes, to seek employment and engage in entrepreneurship".

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Annexes

Annex 1. List of interviewees

Role, institution/organisation	Reference
General Director, Presidency of Council of Ministers, Directorate for infrastructures (previously, General Director for migration policy planning) Researcher, Economics of Migration, Centre for History and Economics, University of Cambridge	(PREMIN)
High-level Official, Migration Policies, ANPAL Servizi (Operational structure of Ministry of Labour and Social Policies)	(ANPAL)
National Coordinator, Migration Policy Department, Unione Italiana del Lavoro (trade union)	(TU UIL)
Head, Department of Integration Policies, Emilia-Romagna Region; Former referent of Regions, National Coordinating Group on Immigration Policies	(NCG_REG)
Project Coordinator, MENTOR programme, Municipality of Milan	(MENTOR)
Director, Coordination Office for the Mediterranean, IOM	(COM_IOM)
Policy Expert, International Migration Division, OCSE	(IMD_OCSE)
Independent researcher, Expert on Migration and Professional training	(MIG_PT)
Researcher, Migration and Labour market, Collegio Carlo Alberto	(RES1)
Researcher, Migration and Labour market, University of Milano Bicocca	(RES2)

Annex 2. Annual quotas and reserved quotas by sending country – 2000-2019

Year	Total	Reserved quotas by nationalities
2000	63,000	Seasonal and non-seasonal employment: 18,000, of which 6,000 Albania; 3,000 Tunisia; 3,000 Morocco; 6,000 other non-EU countries that signed agreements for migration control.
2001	83,000	Non-seasonal employment: 14,500, of which 6,000 Albania; 3,000 Tunisia; 1,500 Morocco; 4,000 other non-EU countries that signed agreements for migration control and/or labour migration.
2002	79,500	Non-seasonal employment: 10,000, of which 3,000 Albania; 2,000 Tunisia; 2,000 Morocco; 1,000 Egypt; 1,000 Sri Lanka; 500 Nigeria; 500 Moldavia. Seasonal employment: Tunisia, Albania, Slovenia, Poland, Hungary, Estonia, Latvia, Lithuania, Czech Republic, Slovakia, Romania, Bulgaria.
2003	79,500	Non-seasonal employment: 3,600, of which 1,000 Albania; 600 Tunisia; 500 Morocco; 300 Egypt; 200 Nigeria; 200 Moldavia; 500 Sri Lanka; 300 Bangladesh. Seasonal employment: Slovenia, Poland, Hungary, Estonia, Latvia, Lithuania, Czech Republic, Slovakia, Serbia, Croatia, Montenegro, Bulgaria, Romania, Tunisia, Albania, Morocco, Nigeria, Moldavia, Sri Lanka, Egypt.
2004	115,000	Non-seasonal employment: 20,000, of which 3,000 Tunisia; 3,000 Albania; 2,500 Morocco; 2,000 Nigeria; 1,500 Moldavia; 1,500 Egypt; 1,500 Sri Lanka; 1,500 Bangladesh; 1,000 Pakistan; 2,500 other countries that signed agreements. Seasonal employment: Slovenia, Poland, Hungary, Estonia, Latvia, Lithuania, Czech Republic, Slovakia, Serbia-Montenegro, Croatia, Bulgaria, Romania, Tunisia, Albania, Morocco, Moldavia, Egypt.
2005	159,000	Non-seasonal employment: 20,800, of which 3,000 Albania; 3,000 Tunisia; 2,500 Morocco; 2,000 Egypt; 2,000 Nigeria; 2,000 Moldavia; 1,500 Sri Lanka; 1,500 Bangladesh; 1,500 Philippines; 1,000 Pakistan; 100 Somalia; 700 other countries that signed agreements. Seasonal employment: Serbia-Montenegro, Croatia, Bosnia-Herzegovina, Macedonia, Bulgaria, Romania, Tunisia, Albania, Morocco, Moldavia, Egypt.
2006	720,000	Non-seasonal employment: 38,000, of which 4,500 Albania; 3,500 Tunisia; 4,000 Morocco; 7,000 Egypt; 1,500 Nigeria; 5,000 Moldavia; 3,000 Sri Lanka; 3,000 Bangladesh; 3,000 Philippines; 1,000 Pakistan; 100 Somalia; 1,000 Ghana; 1,400 other countries that signed agreements. Seasonal employment: Serbia-Montenegro, Croatia, Bosnia-Herzegovina, Macedonia, Bulgaria, Romania, Tunisia, Albania, Morocco, Moldavia, Egypt.
2007	252,000	Non-seasonal employment: 47,100, of which 4,500 Albania; 1,000 Algeria; 3,000 Bangladesh; 8,000 Egypt; 5,000 Philippines; 1,000 Ghana; 4,500 Morocco; 6,500 Moldavia; 1,500 Nigeria; 1,000 Pakistan; 1,000 Senegal; 100 Somalia; 3,500 Sri Lanka; 4,000 Tunisia; 2,500 other countries that signed agreements. Seasonal employment: Serbia, Montenegro, Bosnia-Herzegovina, Macedonia, Croatia, India, Pakistan, Bangladesh, Sri Lanka, Ukraine, Tunisia, Albania, Morocco, Moldavia, Egypt.
2008	230,000	Non-seasonal employment: 44,600, of which 4,500 Albania; 1,000 Algeria; 3,000 Bangladesh; 8,000 Egypt; 5,000 Philippines; 1,000 Ghana; 4,500 Morocco; 6,500 Moldavia; 1,500 Nigeria; 1,000 Pakistan; 1,000 Senegal; 100 Somalia; 3,500 Sri Lanka; 4,000 Tunisia. Seasonal employment: Serbia, Montenegro, Bosnia-Herzegovina, Macedonia, Croatia, India, Pakistan, Bangladesh, Sri Lanka, Ukraine, Tunisia, Albania, Morocco, Moldavia, Egypt.
2009	80,000	Seasonal employment: Serbia, Montenegro, Bosnia-Herzegovina, Macedonia, Croatia, India, Pakistan, Bangladesh, Sri Lanka, Ukraine Tunisia, Albania, Morocco, Moldavia, Egypt

2010	184,080	Non-seasonal employment: 52,080, of which: 4,500 Albania; 1,000 Algeria; 2,400 Bangladesh; 8,000 Egypt; 4,000 Philippines; 2,000 Ghana; 4,500 Morocco; 5,200 Moldavia; 1,500 Nigeria; 1,000 Pakistan; 2,000 Senegal; 80 Somalia; 3,500 Sri Lanka; 4,000 Tunisia; 1,800 India; 1,800 Peru; 1,800 Ukraine; 1,000 Niger; 1,000 Gambia; 1,000 other non-EU countries that signed agreements. Seasonal employment: Serbia, Montenegro, Bosnia-Herzegovina, Macedonia, Kosovo, Croatia, India, Ghana, Pakistan, Bangladesh, Sri Lanka, Ukraine.
2011	60,000	Seasonal employment: Serbia, Montenegro, Bosnia-Herzegovina, Macedonia, Philippines, Kosovo, Croatia, India, Ghana, Pakistan, Bangladesh, Sri Lanka, Ukraine, Gambia, Niger; Nigeria; Tunisia, Albania, Morocco, Moldavia, Egypt.
2012	52,850	Seasonal employment: Albania, Algeria, Bangladesh, Bosnia-Herzegovina, Croatia, Egypt, Philippines, Gambia, Ghana, India, Kosovo, Macedonia, Morocco, Moldavia, Montenegro, Niger, Nigeria, Pakistan, Senegal, Serbia, Sri Lanka, Ukraine, Tunisia
2013	47,850	Seasonal employment: Albania, Algeria, Bosnia-Herzegovina, Croatia, Egypt, Philippines, Gambia, Ghana, India, Kosovo, Macedonia, Morocco, Mauritius, Moldavia, Montenegro, Niger, Nigeria, Pakistan, Senegal, Serbia, Sri Lanka, Ukraine, Tunisia
2014	32,850	Seasonal employment: Albania, Algeria, Bosnia-Herzegovina, Egypt, Philippines, Gambia, Ghana, Japan, India, Kosovo, Macedonia, Morocco, Mauritius, Moldavia, Montenegro, Niger, Nigeria, Pakistan, Senegal, Serbia, Sri Lanka, Ukraine, Tunisia
2015	30,850	Seasonal: Albania, Algeria, Bosnia-Herzegovina, Korea, Egypt, Macedonia, Philippines, Gambia, Ghana, Japan, India, Kosovo, Morocco, Mauritius, Moldavia, Montenegro, Niger, Nigeria, Pakistan, Senegal, Serbia, Sri Lanka, Ukraine, Tunisia
2016	30,850	Seasonal: Albania, Algeria, Bosnia-Herzegovina, Korea, Ivory Coast, Egypt, Ethiopia, Macedonia, Philippines, Gambia, Ghana, Japan, India, Kosovo, Morocco, Mauritius, Moldavia, Montenegro, Niger, Nigeria, Pakistan, Senegal, Serbia, Sri Lanka, Sudan, Ukraine, Tunisia
2017	30,850	Seasonal: Albania, Algeria, Bosnia-Herzegovina, Korea, Ivory Coast, Egypt, Ethiopia, Macedonia, Philippines, Gambia, Ghana, Japan, India, Kosovo, Mali, Morocco, Mauritius, Moldavia, Montenegro, Niger, Nigeria, Pakistan, Senegal, Serbia, Sri Lanka, Sudan, Tunisia, Ukraine
2018	30,850	Seasonal: Albania, Algeria, Bosnia-Herzegovina, Korea, Ivory Coast, Egypt, El Salvador, Ethiopia, Macedonia, Philippines, Gambia, Ghana, Japan, India, Kosovo, Mali, Morocco, Mauritius, Moldavia, Montenegro, Niger, Nigeria, Pakistan, Senegal, Serbia, Sri Lanka, Sudan, Tunisia, Ukraine
2019	30,850	Seasonal: Albania, Algeria, Bosnia-Herzegovina, Korea, Ivory Coast, Egypt, El Salvador, Ethiopia, Macedonia, Philippines, Gambia, Ghana, Japan, India, Kosovo, Mali, Morocco, Mauritius, Moldavia, Montenegro, Niger, Nigeria, Senegal, Serbia, Sri Lanka, Sudan, Tunisia, Ukraine

(Source: Decree of the President of the Council of Ministries (DPCM) 9 April 2001; Ministerial Decree (MD) 4 February 2002; MD 12 March 2002; MD 22 May 2002; MD 16 July 2002; DPCM 15 October 2002; DPCM 6 June 2003; DPCM 19 December 2003; DPCM 20 April 2004; DPCM 8 October 2004; DPCM 17 December 2004; DPCM 17 December 2004; DPCM 15 February 2006; DPCM 14 February 2006; DPCM 14 July 2006; DPCM 25 October 2006; DPCM 9 January 2007; DPCM 30 October 2007; DPCM 8 November 2007; DPCM 3 December 2008; DPCM 20 March 2009; DPCM 15 April 2010; DPCM 30 November 2010; DPCM 17 February 2011; DPCM 13 March 2012; DPCM 16 October 2012; DPCM 15 February 2013; DPCM 25 November 2013; DPCM 12 March 2014; DPCM 11 December 2014; DPCM 2 April 2015; DPCM 14 December 2015; DPCM 13 February 2017; DPCM 15 December 2017; DPCM 12 March 2019)